

H. OF R.

Close of the Session.

MARCH, 1823.

tricts, would, it is believed, obviate many of the inconveniences arising from the present organization of the courts in that part of the Union; and the same arrangement, if found on trial to answer the purposes designed by it, might, as circumstances required, be extended to other sections of the country, and thus lead, finally, to the adoption of one uniform system of circuit courts throughout the United States. For the purposes of the present experiment, Indiana, Illinois, and Missouri might be conveniently formed into one circuit; and Louisiana, Mississippi, and Alabama into another.

Without going at all into the details of these several plans, or even expressing any decided opinion in favor of either of them, the committee, in obedience to the commands of the House to report on this subject, have thought proper to present it, at this time, in its present form, not with a view to the adoption, at this session, of any decisive measures in relation to a department of the Government so important as that of the Judiciary, but in hopes that the subject may attract the attention of the country generally, and of those parts of it, in particular, which are more immediately concerned in its investigation; and that the next Congress may be prepared, at an early period, to decide whether any, and, if any, what changes are necessary in the organization of the courts of the United States, to enable them more effectually to attain the objects for which they were originally instituted.

The memorial from the Legislature of Indiana requests either that Congress should organize a new circuit, of which that State should form a part; or that she may be attached to the Western circuit, consisting, at present, of Ohio, Kentucky, and Tennessee. The first of these requests would be substantially complied with by the adoption of either of the above plans suggested by the committee. The other alternative presented by the Legislature of Indiana is attended with some difficulty. There is, at present, but one judge of the Supreme Court in the Western States; and it is understood by the committee that the terms which he is now by law required to hold, together with his attendance, annually, at the Seat of Government, as a member of the Supreme Court, occupy his time and attention so exclusively, as to render it improper that any additional duties should be imposed upon him.

The committee, therefore, ask to be discharged from the further consideration of the resolution and memorial referred to them by the House.

CLOSE OF THE SESSION.

Mr. WRIGHT moved that the House do come to the following resolution:

Resolved, That three members of this House, with the Superintendent of the Public Buildings, cause the room to be arranged in such manner as they may judge best suited to the public business.

The resolution was ordered to lie on the table.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, accompanied with sundry statements in relation to allowances made to registers and receivers of land offices, for clerk hire, office rent, transmission of public moneys, office furniture &c., since the 20th of April, 1816, rendered in obedience to the resolu-

tion of the 19th ultimo; which letter and statements were ordered to lie on the table.

A message from the Senate informed the House that the Senate have concurred in the resolution for the appointment of a joint committee to wait on the President of the United States, and notify him that, unless he may have other communications to make to the two Houses of Congress, they are ready to adjourn; and they have appointed a committee on their part.

Mr. HILL, from the joint committee last mentioned, reported that the committee had waited on the President of the United States, and informed him that, unless he might have other communications to make to the two Houses of Congress, they are ready to adjourn; and that they received from the President for answer, that he had no further communications to make to Congress.

It was then ordered, that a message be sent to the Senate, to inform that body that this House, having completed the legislative business before it, is now ready to adjourn; and that the Clerk do go with the said message.

The Clerk having delivered the said message, and being returned—

A message was received from the Senate notifying the House that the Senate, having completed the Legislative business before them, are ready, by an adjournment, to close the present session of Congress.

And thereupon—

The SPEAKER (Mr. BARBOUR) rose from his Chair, and addressed the House as follows:

To receive the approbation of our country is at all times the highest reward which can be bestowed upon a citizen in the public service; to receive the expression of that approbation from the representatives of the people, with whom it has been my fortune to act, gives to it, in my estimation, an increased degree of interest; but when, in addition to this, I recollect that this is the second occasion in which I have received this high mark of confidence from the same House of Representatives; from gentlemen with whom, for two successive sessions, I have been associated in legislation; it inspires me with the deepest sense of gratitude. I have nothing to offer you but my sincere thanks in return for this renewed evidence of your good opinion, as well as for the kind indulgence with which you have supported me in the discharge of my official duties. There are few stations in civil life of a character either more important or more difficult than that of the presiding officer of this House. On your deliberations essentially depend the prosperity of this extensive and extending Confederacy. In their progress the most novel and perplexing questions are frequently presented for the instantaneous decision of your Speaker; and the duties which, in general, appertain to his office, involve, in themselves, the highest degree of responsibility. In such a situation to be able to command success, is the attribute of no man; to endeavor to deserve it, is within the reach of all; that endeavor I am conscious of having earnestly made; and, to the pleasure arising from that consciousness, the resolution which you have just passed, adds the gratification of believing that my efforts, in this respect, have not been altogether fruitless.

We are now, gentlemen, about to close the labors

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Adjournment.

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of the Seventeenth Congress. I trust that, upon a review of its measures, it will be found by our constituents that, however we may have differed in opinion in relation to the means, we have all had in view one great, one common end—the promotion of the general welfare.

We are soon, gentlemen, about to separate; many

of you, perhaps, I may never meet again. May you long live to enjoy the rewards of your past service, and to render others to a grateful country.

A motion was then made, that the House do now adjourn, and the question being put, it was carried in the affirmative; and thereupon, the SPEAKER adjourned the House *sine die*.

Convention with France.

Cotton, 804 pounds avoirdupois, or 365 kilogrammes.

Tobacco, 1,600 pounds avoirdupois, or 725 kilogrammes.

Ashes, pot and pearl, 2,240 pounds avoirdupois, or 1,016 kilogrammes.

Rice, 1,600 pounds avoirdupois, or 725 kilogrammes; and for all weighable articles, not specified, 2,240 pounds avoirdupois, or 1,016 kilogrammes.

ART. 5. The duties of tonnage, light-money, pilotage, port charges, brokerage, and all other duties upon foreign shipping, over and above those paid by the national shipping in the two countries respectively, other than those specified in articles 1 and 2 of the present convention, shall not exceed in France, for vessels of the United States, five francs per ton of the vessel's American register; nor for vessels of France in the United States, ninety-four cents per ton of the vessel's French passport.

ART. 6. The contracting parties, wishing to favor their mutual commerce by affording to their ports every necessary assistance to their respective vessels, have agreed that the consuls and vice consuls, may cause to be arrested the sailors, being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said consuls and vice consuls shall address themselves to the courts, judges, and officers competent, and shall demand the said deserters in writing, proving, by an exhibition of the registers of the vessel, or ship's roll, or other official documents, that those men were part of said crews; and on this demand, so proved, (saving however where the contrary is proved,) the delivery shall not be refused; and there shall be given all aid and assistance to the said consuls and vice consuls for the search, seizure, and arrest, of said deserters, who shall even be detained and kept in the prisons of the country, at their request and expense, until they shall have found an opportunity of sending them back. But if they be not sent back within three months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

ART. 7. The present temporary convention shall be in force for two years from the first day of October next, and even after the expiration of that term, until the conclusion of a definitive treaty, or until one of the parties shall have declared its intention to renounce it; which declaration shall be made at least six months before hand.

And in case the present arrangement should remain without such declaration of its discontinuance by either party, the extra duties specified in the 1st and 2d articles shall, from the expiration of the said two years, be, on both sides, diminished by one-fourth of their whole amount, and, afterwards, by one-fourth of the said amount from year to year, so long as neither party shall have declared the intention of renouncing it as above stated.

ART. 8. The present convention shall be ratified on both sides, and the ratifications shall be exchanged within one year from the date hereof, or sooner, if possible. But the execution of the said convention shall commence in both countries on the 1st day of October next, and shall be effective, even in case of non-ratification, for all such vessels as may have sailed *bona fide* for the ports of either nation, in the confidence of its being in force.

In faith whereof, the respective Plenipotentiaries have signed the present convention, and have thereto affixed their seals, at the City of Washington, this 24th day of June, A. D. 1822.

JOHN QUINCY ADAMS, [L. s.]

G. HYDE DE NEUVILLE. [L. s.]

SEPARATE ARTICLE.

The extra duties levied on either side before the present day, by virtue of the act of Congress of 15th May, 1820, and of the ordonnance of 26th July of the same year, and others confirmative thereof, and which have not already been paid back, shall be refunded.

Signed and sealed as above, this 24th day of June, 1822.

JOHN QUINCY ADAMS, [L. s.]

G. HYDE DE NEUVILLE. [L. s.]

SEPARATE ARTICLE.

It is agreed that the extra duties, specified in the first and second articles of this convention, shall be levied only upon the excess of value of the merchandise imported, over the value of the merchandise exported in the same vessel upon the same voyage: so that if the value of the articles exported shall equal or exceed that of the articles imported in the same vessel (not including, however, articles imported for transit or re-exportation) no such extra duties shall be levied; and if the articles exported are less in value than those imported, the extra duties shall be levied only upon the amount of the difference of their value. This article, however, shall take effect only in case of ratification on both sides, and not until two months after the ratifications. But the refusal to ratify this article, on either side, shall in no wise affect or impair the ratification or the validity of the preceding articles of this convention.

Signed and sealed as above, this 24th day of June, 1822.

JOHN QUINCY ADAMS, [L. s.]

G. HYDE DE NEUVILLE. [L. s.]

Now, therefore, be it known, that I, James Monroe, President of the United States, in pursuance of the authority aforesaid, do hereby suspend, from and after the first day of October next, until the end of the next session of Congress, the operation of the act aforesaid, entitled "An act to impose a new tonnage duty on French ships and vessels, and for other purposes, and also all other duties on French vessels, and the goods, being the growth, produce, and manufacture of France, imported in the same, which may exceed the duties on American vessels, and on similar goods

Trade with the West Indies.

imported in the same, saving only discriminating duties payable on French vessels, and on articles of the growth, produce, and manufacture of France, imported in the same, stipulated by the said convention to be paid.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand. Done at Washington, the 24th day of June, in the year of our Lord 1822, and of the Independence of the United States the forty-sixth.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

[The above convention was ratified, and the ratifications duly exchanged on the 12th February, 1823, with an additional separate article annexed, as follows:]

SEPARATE ARTICLE.

The extra duties levied on either side before the present day, by virtue of the act of Congress of 15th May, 1820, and of the ordonnance of 26th July of the same year, and others confirmative thereof, and which have not already been paid back, shall be refunded.

Signed and sealed as above, this 24th day of June, 1822.

JOHN QUINCY ADAMS, [L. s.]
G. HYDE DE NEUVILLE, [L. s.]

TRADE WITH THE WEST INDIES.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

Whereas, by an act of the Congress of the United States, passed on the 6th day of May last, it was provided, that, on satisfactory evidence being given to the President of the United States, that the ports in the islands or colonies in the West Indies, under the dominion of Great Britain, have been opened to the vessels of the United States, the President should be, and thereby was, authorized to issue his proclamation, declaring that the ports of the United States should thereafter be opened to the vessels of Great Britain, employed in the trade and intercourse between the United States and such islands or colonies, subject to such reciprocal rules and restrictions as the President of the United States might, by such proclamation, make and publish; any thing in the laws, entitled "An act concerning navigation, or, an act, entitled "An act supplementary to an act concerning navigation," to the contrary notwithstanding. And whereas satisfactory evidence has been given to the President of the United States, that the ports hereinafter mentioned, in the islands or colonies in the West Indies, under the dominion of Great Britain, have been opened to the vessels of the United States, that is to say:

The ports of Kingston, Savannah La Mar, Montego Bay, Santa Lucia, } In Jamaica.

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Antonio, Saint Ann,	}	In Jamaica.
Falmouth, Maria, Montserrat Bay, - - -		
Saint George - - -		Grenada.
Roseau - - -		Dominica.
Saint Johns - - -		Antigua.
San Josef - - -		Trinidad.
Scarborough - - -		Tobago.
Road Harbor - - -		Tortola.
Nassau - - -		New Providence.
Pittstown - - -		Crooked Island.
Kingston - - -		St. Vincent.
Port St. George, and Port Hamilton - - -		Bermuda.
Any port where there is a custom-house - - -		Bahamas.
Bridgetown - - -		Barbadoes.
St. Johns, St. Andrews, Halifax - - -		New Brunswick.
Quebec - - -		Nova Scotia.
St. Johns - - -		Canada.
George Town - - -		Newfoundland.
New Amsterdam - - -		Demarara.
Castres - - -		Berbice.
Basseterre - - -		St. Lucia.
Charlestown - - -		St. Kitts.
And Plymouth - - -		Nevis.
		Montserrat.

Now, therefore, I James Monroe, President of the United States of America, do hereby declare and proclaim that the ports of the United States shall hereafter, and until the end of the next session of the Congress of the United States, be open to the vessels of Great Britain employed in the trade and intercourse between the United States and the islands and colonies hereinbefore named; any thing in the laws, entitled "An act concerning navigation," or, an act supplementary to an act, entitled "An act supplementary to an act concerning navigation," to the contrary notwithstanding, under the following reciprocal rules and restrictions, namely:

The vessels of Great Britain, *bona fide* British built, owned, and the master and three-fourths of the mariners of which at least shall belong to Great Britain, or any United States' built ship or vessel, which has been sold to, and become the property of British subjects, such ship or vessel being also navigated with a master, and three-fourths of the mariners at least, belonging to Great Britain; and, provided always, that no articles shall be imported into the United States in any such British ship or vessel, other than articles of the growth, produce, or manufacture, of the British islands and colonies in the West Indies, when imported in British vessels coming from any such island or colony, and articles of the growth, produce, or manufacture, of the British colonies in North America, or of the island of Newfoundland, in vessels coming from the port of St. Johns, in that island, or from any of the aforesaid ports of the British colonies in North America.

Given under my hand, at the City of Washington, this twenty-fourth day of August, in the year of our Lord one thousand eight hundred and

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twenty-two, and in the forty seventh year of the Independence of the United States.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State.

CONVENTION WITH GREAT BRITAIN.

Message from the President of the United States, transmitting copies of a Convention concluded at St. Petersburg, the 12th day of July, 1822, under the mediation of the Emperor of all the Russias, between the United States of America and His Britannic Majesty, communicated to the House January 25, 1823.

WASHINGTON, January 16, 1823.

To the Speaker of the House of Representatives:

The Convention concluded and signed at St. Petersburg, on the 12th day of July last, under the mediation of His Imperial Majesty the Emperor of all the Russias, having been ratified by the three Powers, parties thereto, and the ratifications of the same having been duly exchanged, copies of it are now communicated to Congress, to the end that the measures for carrying it, on the part of the United States, into execution, may obtain the co-operation of the Legislature, necessary to the accomplishment of some of its provisions. A translation is subjoined of the three explanatory documents, in the French language, referred to in the fourth article of the Convention, and annexed to it. The agreement executed at the exchange of the ratifications is likewise communicated.

JAMES MONROE.

A PROCLAMATION.

BY THE PRESIDENT OF THE UNITED STATES.

Whereas a Convention between the United States of America and His Britannic Majesty was concluded and signed at St. Petersburg, under the mediation of the Emperor of all the Russias, on the twelfth day of July last, by the respective Plenipotentiaries of the three Powers; and whereas the said Convention has been by them duly ratified, and the respective ratifications of the same were exchanged at Washington, on the tenth day of the present month, by John Quincy Adams, Secretary of State of the United States, the Right Honorable Stratford Canning, Envoy Extraordinary and Minister Plenipotentiary of His Britannic Majesty, and Mr. George Ellisen, Chargé d'Affaires of His Imperial Majesty the Emperor of all the Russias, on the part of their several Governments; which Convention is in the words following, to wit:

In the name of the most holy and indivisible Trinity:

The President of the United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland, having agreed, in

pursuance of the fifth article of the Convention concluded at London on the 20th day of October, 1818, to refer the differences which had arisen between the two Governments, upon the true construction and meaning of the first article of the Treaty of Peace and Amity, concluded at Ghent on the 24th day of December, 1814, to the friendly arbitration of His Majesty the Emperor of all the Russias, mutually engaging to consider his decision as final and conclusive; and his said Imperial Majesty having, after due consideration, given his decision upon these differences in the following terms, to wit:

"That the United States of America are entitled to claim from Great Britain a just indemnification for all private property, which the British forces may have carried away; and as the question relates to slaves more especially, for all the slaves that the British forces may have carried away from places and territories of which the Treaty stipulates the restitution, in quitting these same places and territories."

"That the United States are entitled to consider as having been so carried away, all such slaves as may have been transferred from the above mentioned territories to British vessels within the waters of the said territories, and who for this reason may not have been restored."

"But that, if there should be any American slaves who were carried away from territories of which the first article of the Treaty of Ghent has not stipulated the restitution to the United States, the United States are not entitled to claim an indemnification for the said slaves."

Now, for the purpose of carrying into effect this award of His Imperial Majesty, as arbitrator, his good offices have been further invoked to assist in framing such Convention or Articles of Agreement between the United States of America and His Britannic Majesty, as shall provide the mode of ascertaining and determining the value of slaves and of other private property, which may have been carried away in contravention of the Treaty of Ghent, and for which indemnification is to be made to the citizens of the United States, in virtue of His Imperial Majesty's said award, and shall secure compensation to the sufferers for their losses, so ascertained and determined. And His Imperial Majesty has consented to lend his mediation for the above purpose, and has constituted and appointed Charles Robert Count Nesselrode, His Imperial Majesty's Privy Counsellor, Member of the Council of State, Secretary of State directing the Imperial Department of Foreign Affairs, Chamberlain, Knight of the order of Saint Alexander Nevsky, Grand Cross of the order of Saint Vladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the order of St. Stephen of Hungary, of the Black and of the Red Eagle of Prussia, of the Legion of Honor of France, of Charles III. of Spain, of St. Ferdinand and of Merit of Naples, of the Annunciation of Sardinia, of the Polar Star of Sweden, of the Elephant of Denmark, of the Golden Eagle of Wirtemberg, of Fidelity of Baden, of St. Constantine of Parma,

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and of Guelph of Hanover; and John Count Capodistrias, His Imperial Majesty's Privy Counsellor, and Secretary of State, Knight of the order of St. Alexander Nevsky, Grand Cross of the order of St. Vladimir of the first class, Knight of that of the White Eagle of Poland, Grand Cross of the order of St. Stephen of Hungary, of the Black and of the Red Eagle of Prussia, of the Legion of Honor of France, of Charles III. of Spain, of St. Ferdinand and of Merit of Naples, of St. Maurice and of St. Lazarus of Sardinia, of the Elephant of Denmark, of Fidelity and of the Lion of Zähringen of Baden, Burgher of the Canton of Vaud, and also of the Canton and of the Republic of Geneva, as his Plenipotentiaries to treat, adjust, and conclude such Articles of Agreement as may tend to the attainment of the above mentioned end, with the Plenipotentiaries of the United States and of His Britannic Majesty; that is to say, on the part of the President of the United States, with the advice and consent of the Senate thereof, Henry Middleton, a citizen of the said United States, and their Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of all the Russias; and on the part of His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honorable Sir Charles Bagot, one of His Majesty's most honorable Privy Council, Knight Grand Cross of the most honorable order of the Bath, and His Majesty's Ambassador Extraordinary and Plenipotentiary to His Majesty the Emperor of all the Russias. And the said Plenipotentiaries, after a reciprocal communication of their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE 1. For the purpose of ascertaining and determining the amount of indemnification which may be due to citizens of the United States under the decision of His Imperial Majesty, two Commissioners and two Arbitrators shall be appointed in the manner following, that is to say, one commissioner and one arbitrator shall be nominated and appointed by the President of the United States of America, by, and with the advice and consent of the Senate thereof; and one commissioner and one arbitrator shall be appointed by His Britannic Majesty. And the two commissioners and two arbitrators, thus appointed, shall meet and hold their sittings as a Board in the city of Washington. They shall have power to appoint a secretary, and before proceeding to the other business of the commission, they shall, respectively, take the following oath, (or affirmation,) in the presence of each other. Which oath or affirmation, being so taken, and duly attested, shall be entered on the record of their proceedings; that is to say, "I, A B, one of the commissioners (or arbitrators, as the case may be,) appointed in pursuance of the convention concluded at St. Petersburg on the 30th [12th] day of June, [July,] one thousand eight hundred and twenty-two, between His Majesty the Emperor of all the Russias, the United States of America, and His Britannic Majesty, do solemnly swear (or affirm) that I will diligently, impartially, and carefully,

examine, and, to the best of my judgment, according to justice and equity, decide all matters submitted to me as commissioner (or arbitrator, as the case may be) under the said convention."

All vacancies occurring by death or otherwise shall be filled up in the manner of the original appointment, and the new commissioners or arbitrators shall take the same oath or affirmation, and perform the same duties.

ARTICLE 2. If, at the first meeting of this board, the Governments of the United States and of Great Britain shall not have agreed upon an average value, to be allowed as compensation for each slave for whom indemnification may be due; then, and in that case, the commissioners and arbitrators shall conjointly proceed to examine the testimony which shall be produced under the authority of the President of the United States, together with such other competent testimony as they may see cause to require or allow, going to prove the true value of slaves at the period of the exchange of the ratifications of the Treaty of Ghent; and upon the evidence so obtained, they shall agree upon and fix the average value. But in case that a majority of the board of commissioners and arbitrators should not be able to agree respecting such average value, then, and in that case, recourse shall be had to the arbitration of the minister or other agent of the mediating Power, accredited to the Government of the United States. A statement of the evidence produced, and of the proceedings of the board thereupon, shall be communicated to the said minister or agent, and his decision, founded upon such evidence and proceedings, shall be final and conclusive. And the said average value, when fixed and determined by either of the three before mentioned methods, shall in all cases serve as a rule for the compensation to be awarded for each and every slave, for whom it may afterwards be found that indemnification is due.

ART. 3. When the average value of slaves shall have been ascertained and fixed, the two commissioners shall constitute a board for the examination of the claims which are to be submitted to them, and they shall notify to the Secretary of State of the United States, that they are ready to receive a definitive list of the slaves and other private property, for which the citizens of the United States claim indemnification; it being understood and hereby agreed that the commission shall not take cognizance of, nor receive, and that His Britannic Majesty shall not be required to make, compensation for any claims for private property under the first article of the Treaty of Ghent, not contained in the said list. And His Britannic Majesty hereby engages to cause to be produced before the commission, as material, towards ascertaining facts, all the evidence of which His Majesty's Government may be in possession, by returns from His Majesty's officers or otherwise, of the number of slaves carried away. But the evidence so produced, or its defectiveness, shall not go in bar of any claim or claims which shall be otherwise satisfactorily authenticated.

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ART. 4. The two commissioners are hereby empowered and required to go into an examination of all the claims submitted, through the above-mentioned list, by the owners of slaves or other property, or by their lawful attorneys or representatives, and to determine the same, respectively, according to the merits of the several cases, under the rule of the imperial decision herein above recited, and having reference, if need there be, to the explanatory documents hereunto annexed, marked A and B. And, in considering such claims, the commissioners are empowered and required to examine, on oath or affirmation, all such persons as shall come before them, touching the real number of the slaves, or value of other property, for which indemnification is claimed; and, also, to receive in evidence, according as they may think consistent with equity and justice, written depositions or papers, such depositions or papers being duly authenticated, either according to existing legal forms, or in such other manner as the said commissioners shall see cause to require or allow.

ART. 5. In the event of the two commissioners not agreeing in any particular case under examination, or of their disagreement upon any question which may result from the stipulations of this convention, then and in that case they shall draw by lot the name of one of the two arbitrators, who, after having given due consideration to the matter contested, shall consult with the commissioners; and a final decision shall be given, conformably to the opinion of the majority of the two commissioners, and of the arbitrator so drawn by lot. And the arbitrator, when so acting with the two commissioners, shall be bound in all respects by the rules of proceeding enjoined by the fourth article of this convention upon the commissioners, and shall be vested with the same powers, and be deemed, for that case, a commissioner.

ART. 6. The decision of the two commissioners, or of the majority of the board, as constituted by the preceding article, shall in all cases be final and conclusive, whether as to number, the value or the ownership of the slaves, or other property, for which indemnification is to be made. And His Britannic Majesty engages to cause the sum awarded to each and every owner in lieu of his slave or slaves, or other property, to be paid in specie, without deduction, at such time or times, and at such place or places, as shall be awarded by the said commissioners, and on condition of such releases or assignments to be given, as they shall direct; provided that no such payment shall be fixed to take place sooner than twelve months from the day of the exchange of the ratifications of this convention.

ART. 7. It is further agreed, that the commissioners and arbitrators shall be respectively paid in such manner as shall be settled between the Governments of the United States and Great Britain, at the time of the exchange of the ratifications of this convention. And all other expenses attending the execution of the commission, shall be defrayed jointly by the United States and

His Britannic Majesty, the same being previously ascertained and allowed by the majority of the board.

ART. 8. A certified copy of this convention, when duly ratified by His Majesty the Emperor of all the Russias, by the President of the United States, by and with the advice and consent of their Senate, and by His Britannic Majesty, shall be delivered by each of the contracting parties, respectively, to the Minister or other agent of the mediating Power, accredited to the Government of the United States, as soon as may be after the ratifications shall have been exchanged; which last shall be effected at Washington, in six months, from the date hereof, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed this convention, drawn up in two languages, and have hereunto affixed their seals.

Done in triplicate, at St. Petersburg, this thirtieth [twelfth] day of June, [July,] one thousand eight hundred and twenty-two.

NESSELRODE,
CAPODISTRIAS,
HENRY MIDDLETON,
CHARLES BAGOT.

Now, therefore, be it known, That I, JAMES MONROE, President of the United States, have caused the said Convention to be made public; to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States, and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed. Done at the City of Washington, this eleventh day of January, [L. s.] in the year of our Lord one thousand eight hundred and twenty-three, and of the Independence of the United States the forty-seventh.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS,
Secretary of State.

A.

Count Nesselrode to Mr. Middleton.

The undersigned Secretary of State, directing the Imperial administration of Foreign Affairs, has the honor to communicate to Mr. Middleton, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, the opinion which the Emperor, his master, has thought it his duty to express upon the object of the differences which have arisen between the United States and Great Britain, relative to the interpretation of the first article of the Treaty of Ghent.

Mr. Middleton is requested to consider this opinion as the award required of the Emperor by the two Powers.

He will doubtless recollect, that he, as well as the Plenipotentiary of His Britannic Majesty, in all his memorials, has principally insisted on the

grammatical sense of the first article of the Treaty of Ghent, and that, even in his note of the 4th [16th] November, 1821, he has formally declared, that it was on the signification of the words in the text of the article as it now is, that the decision of His Imperial Majesty should be founded.

The same declaration being made in the note of the British Plenipotentiary, dated 8th [20th] October, 1821, the Emperor had only to conform to the wishes expressed by the two parties, by devoting all his attention to the examination of the grammatical question.

The above mentioned opinion will show the manner in which His Imperial Majesty judges of this question; and in order that the Cabinet of Washington may also know the motives upon which the Emperor's judgment is founded, the undersigned has hereto subjoined an extract of some observations upon the literal sense of the first article of the Treaty of Ghent.

In this respect, the Emperor has confined himself to following the rules of the language employed in drawing up the act, by which the two Powers have required his arbitration, and defined the object of their difference.

His Imperial Majesty has thought it his duty, exclusively, to obey the authority of these rules, and his opinion could not but be the rigorous and necessary consequence thereof.

The undersigned eagerly embraces this occasion to renew to Mr. Middleton the assurances of his most distinguished consideration.

NESSELRODE.

St. PETERSBURG, April 22, 1822.

Aa.

His Imperial Majesty's Award.

Invited by the United States of America and by Great Britain to give an opinion, as arbitrator, in the differences which have arisen between these two Powers, on the subject of the interpretation of the first article of the treaty which they concluded at Ghent, on the 24th December, 1814, the Emperor has taken cognizance of all the acts, memorials, and notes, in which the respective Plenipotentiaries have set forth to his administration of foreign affairs the arguments upon which each of the litigant parties depends in support of the interpretation given by it to the said article.

After having maturely weighed the observations exhibited on both sides:

Considering that the American Plenipotentiary and the Plenipotentiary of Britain have desired that the discussion should be closed;

Considering that the former, in his note of the 4th (16th) November, 1821, and the latter, in his note of the 8th (20th) October, of the same year, have declared that it is upon the construction of the text of the article as it stands, that the arbitrator's decision should be founded, and that both have appealed, only as subsidiary means, to the general principles of the law of nations, and of maritime law;

The Emperor is of opinion "that the question can only be decided according to the literal and

grammatical sense of the first article of the Treaty of Ghent."

As to the literal and grammatical sense of the first article of the Treaty of Ghent:

Considering that the period upon the signification of which doubts have arisen, is expressed as follows:

"All territory, places, and possessions, whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands herein-after mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves, or other private property; and all archives, records, deeds, and papers, either of a public nature, or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong."

"Considering that, in this period, the words originally captured, and which shall remain therein upon the exchange of the ratifications, form an incidental phrase, which can have respect, grammatically, only to the substantives or subjects which precede;

That the first article of the Treaty of Ghent thus prohibits the contracting parties from carrying away from the places of which it stipulates the restitution, only the public property, which might have been originally captured there, and which should remain therein upon the exchange of the ratifications, but that it prohibits the carrying away from these same places, any private property whatever;

That, on the other hand, these two prohibitions are solely applicable to the places of which the article stipulates the restitution:

The Emperor is of opinion:

"That the United States of America are entitled to a just indemnification, from Great Britain, for all private property carried away by the British forces; and as the question regards slaves more especially, for all such slaves as were carried away by the British forces, from the places and territories of which the restitution was stipulated by the treaty, in quitting the said places and territories.

"That the United States are entitled to consider as having been so carried away, all such slaves as may have been transported from the above mentioned territories on board of the British vessels within the waters of the said territories, and who, for this reason, have not been restored.

"But that, if there should be any American slaves who were carried away from territories, of which the first article of the Treaty of Ghent has not stipulated the restitution to the United States, the United States are not to claim an indemnification for the said slaves."

Convention with Great Britain.

The Emperor declares, besides, that he is ready to exercise the office of mediator, which has been conferred on him beforehand by the two States, in the negotiations which must ensue between them in consequence of the award which they have demanded.

Done at St. Petersburg, 22d April, 1822.

B.

Count Nesselrode to Mr. Middleton.

The undersigned Secretary of State, directing the Imperial administration of foreign affairs, has, without delay, laid before the Emperor, his master, the explanations into which the Ambassador of His Britannic Majesty has entered with the Imperial Ministry, in consequence of the preceding confidential communication which was made to Mr. Middleton, as well as to Sir Charles Bagot, of the opinion expressed by the Emperor upon the true sense of the 1st article of the Treaty of Ghent.

Sir Charles Bagot understands that, in virtue of the decision of His Imperial Majesty, "His Britannic Majesty is not bound to indemnify the United States for any slaves, who, coming from places which have never been occupied by his troops, voluntarily joined the British forces, either in consequence of the encouragement which His Majesty's officers had offered them, or to free themselves from the power of their master—these slaves not having been carried away from places or territories captured by His Britannic Majesty during the war, and, consequently, not having been carried away from places of which the article stipulates the restitution."

In answer to this observation, the undersigned is charged by His Imperial Majesty to communicate what follows to the Minister of the United States of America.

The Emperor having, by the mutual consent of the two Plenipotentiaries, giving an opinion, founded solely upon the sense which results from the text of the article in dispute, does not think himself called upon to decide here any question relative to what the laws of war permit or forbid to the belligerents; but, always faithful to the grammatical interpretation of the 1st article of the Treaty of Ghent, His Imperial Majesty declares, a second time, that it appears to him according to this interpretation;

"That, in quitting the places and territories of which the Treaty of Ghent stipulates the restitution to the United States, His Britannic Majesty's forces had no right to carry away from these same places and territories, absolutely, any slave, by whatever means he had fallen or come into their power.

"But that if, during the war, American slaves had been carried away by the English forces, from other places than those of which the Treaty of Ghent stipulates the restitution, upon the territory, or on board British vessels, Great Britain should not be bound to indemnify the United States for the loss of these slaves, by whatever

means they might have fallen or come into the power of her officers."

Although convinced, by the previous explanations above mentioned, that such is also the sense which Sir Charles Bagot attaches to his observation, the undersigned has nevertheless received from His Imperial Majesty orders to address the present note to the respective Plenipotentiaries, which will prove to them, that, in order the better to justify the confidence of the two Governments, the Emperor has been unwilling that the slightest doubt should arise regarding the consequences of his opinion.

The undersigned eagerly embraces this occasion of repeating to Mr. Middleton the assurance of his most distinguished consideration.

NESSELRODE.

ST. PETERSBURG, 22d April, 1822.

We, the undersigned, having this day met in the city of Washington to exchange the ratifications of the Convention concluded and signed at St. Petersburg, on the 30th day of June, (12th day of July,) 1822, by the respective Plenipotentiaries of the United States of America, His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of all the Russias, do hereby certify that, at the time of exchanging the said ratifications, it was agreed by us, for our respective Governments, conformably to the seventh article of the above mentioned Convention, that the salary or compensation of the commissioners and arbitrators mentioned therein, shall be at the rate of one thousand pounds sterling, or four thousand four hundred and forty-four dollars, to each commissioner, and of seven hundred and fifty pounds sterling, or three thousand three hundred and thirty-three dollars, to each arbitrator, per annum, from the time of the first meeting of the commissioners at Washington, until the final dissolution of the Board, to be paid quarterly; with an additional allowance, to be paid with the first quarter's salary, of six hundred pounds sterling to the commissioners, and of the same sum to the arbitrator, to be appointed on the part of His Britannic Majesty, in consideration of their being called upon to exercise their functions at a distance from their country; and of a sum of five hundred pounds sterling to each of them, at the close of the commission, for their return home.

It was also agreed by us, that the compensation of the Secretary of the said Board of Commissioners, shall be at the rate of four hundred and fifty pounds sterling, or two thousand dollars, a year, to commence from the period of his appointment, until the final dissolution of the Board.

And it was lastly agreed by us, that the said salaries and additional allowances shall, like the contingent expenses of the commission, be defrayed jointly by the United States and His Britannic Majesty; the said expenses to be laid before the Board at the end of each quarter, and, after being ascertained and allowed by a majority of the Board, to be divided, including salary and

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allowance, as above, into two moieties, for each of which the commissioners on either side shall draw, respectively, on the proper departments of their own Governments.

In witness whereof, we have hereunto set our hands and affixed our seals, at Washington, this tenth day of January, one thousand eight hundred and twenty-three.

JOHN QUINCY ADAMS, [L. S.]
STRATFORD CANNING. [L. S.]

TREATY OF GHENT—BOUNDARIES.

[Communicated to the House, March 1, 1823.]

Message from the President of the United States, transmitting a report of the Secretary of State, in relation to the transactions of the Commissioners under the sixth and seventh articles of the Treaty of Ghent; also, the measures which have been taken under the fourth article of the Treaty with Spain, of February 22, 1819, for fixing the boundary line described in the third article of the last-mentioned Treaty.

WASHINGTON, February 26, 1823.

To the House of Representatives of the United States:

I transmit to the House of Representatives, in pursuance of a resolution of that House, of the 30th of January last, a report from the Secretary of State, containing the information required in relation to the transactions of the Commissioners under the sixth and seventh articles of the Treaty of Ghent; and, also, as to the measures which have been taken, under the fourth article of the Treaty with Spain, of the 22d of February, 1819, for fixing the boundary line described in the third article of the last-mentioned treaty.

JAMES MONROE.

DEPARTMENT OF STATE,
Washington, February 25, 1823.

The Secretary of State, to whom has been referred a resolution of the House of Representatives of the United States, of the 30th of January last, requesting the President of the United States to lay before the House, information, not previously communicated to Congress, in relation to the transactions of the Commissioners under the 6th and 7th articles of the Treaty of Ghent; and, also, to inform the House, whether any, and what, measures have been taken under the 4th article of the treaty with Spain, of the 22d of February, 1819, for fixing the boundary line described in the third article of the last mentioned treaty, and whether any part of the said line has been fixed and designated; has the honor of reporting to the President:

That the Commissioners aforesaid, under the 6th and 7th articles of the Treaty of Ghent, have had several meetings in the course of the last year, and that, at a meeting held by them at Utica, in the State of New York, on the 18th of June last, they agreed upon, and executed, an instrument, containing their decision of the questions submitted to them under the 6th article of

the Treaty of Ghent, a copy of which decision is herewith respectfully reported. And with the same decision there have been returned to this Department a series of twenty-three maps, upon which the boundary line is delineated in conformity with it.

That, at the same meeting, the Secretary and Assistant Secretary were directed to furnish the Agents, and the principal Surveyors, respectively, with a copy of instructions relative to the survey under the seventh article.

A copy of these instructions is herewith submitted, together with extracts of letters from the Agent of the United States, under this Commission, dated the 24th of July and 24th of September last, showing the progress made by the Commission in reference to the seventh article, and the prospects, with regard to the time when the duties of the said Commissioners may probably be completed.

With regard to the boundary line referred to in the fourth article of the treaty with Spain, of 22d February, 1819, it was stipulated by the said article that commissioners and surveyors should be appointed by the contracting parties, who should meet at Natchitoches, on the Red river, before the termination of one year from the date of the ratification of the treaty, and proceed to run and mark the line. The Spanish Government, although repeatedly pressed, on the part of the United States, to appoint those officers on their part, so that they might have met those of the United States, within the limited time, postponed the appointment, so that notice of it was not given until after the year had elapsed.

Under a misapprehension that the difference of opinion between the two Houses of Congress at their last session, with regard to the appropriation for running this line, had resulted in the omission to make it, a communication to that effect was made to the Minister of Spain, in this country, shortly after the close of the session. But, the error having been, a few days after, discovered, he was informed, by a letter of 29th of May last, from this Department, that the appropriation had been made, and that this Government was then ready to proceed to the execution of the article.

He was also requested to state, at what time the Commissioner and Surveyor on the part of Spain would be at Natchitoches, and was assured that the Commissioner and Surveyor on the part of the United States would be instructed to meet them at that place, and at the time which he should designate as that when the Commissioner and Surveyor of Spain would be there.

By a communication from Mr. Anduaga, dated the 1st of June last, he stated that, having immediately forwarded to his Government the previous notice received from this Department, he could not say at what time the Spanish Commissioners would repair to Natchitoches; but that His Majesty the King of Spain would take the most speedy and efficacious measures for carrying into effect, on his part, the stipulations of the treaty.

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The Minister of the United States in Spain was shortly afterwards instructed, that, if the Spanish Government should be desirous of postponing the meeting of the Commissioners to run the line, we should not be disposed to urge them to it; but that we should be ready to attend to it at their convenience. No further determination from the Spanish Government concerning it has since been received.

All which is respectfully submitted.

JOHN QUINCY ADAMS.

Papers sent.

Decision of the Commissioners, 18th June, 1822
 Extract from the minutes of the proceedings of the Board of Commissioners, under the 6th article of the Treaty of Ghent, " " "
 Extract of a letter from Mr. Delafield to the Secretary of State - - - 24th July, 1822
 Extract of a letter from same to same - - - 24th Sept., 1822

Decision of the Commissioners.

The undersigned Commissioners, appointed, sworn, and authorized, in virtue of the 6th article of the treaty of peace and amity between His Britannic Majesty and the United States of America, concluded at Ghent, on the 24th December, 1814, impartially to examine, and by a report or declaration under their hands and seals to designate, that portion of the boundary of the United States "from the point where the 45th degree of north latitude strikes the river Iroquois, or Catarqui, along the middle of said river, into Lake Ontario; through the middle of said lake, until it strikes the communication by water between that lake and Lake Erie; thence, along the middle of said communication, into Lake Erie; through the middle of said lake, until it arrives at the water communication into Lake Huron; thence, through the middle of said water communication into Lake Huron; thence, through the middle of said lake, to the water communication between that lake and Lake Superior;"—and to "decide to which of the two contracting parties the several islands lying within the said rivers, lakes, and water communications, do respectively belong, in conformity with the true intent of the treaty of 1783"—do decide and declare that the following described line (which is more clearly indicated on a series of maps accompanying this report, exhibiting correct surveys and delineations of all the rivers, lakes, water communications, and islands, embraced by the sixth article of the Treaty of Ghent, by a black line, shaded on the British side with red, and on the American side with blue; and each sheet of which series of maps is identified by a certificate, subscribed by the commissioners, and by the two principal surveyors employed by them) is the true boundary intended by the two before-mentioned treaties; that is to say:

Beginning at a stone monument, erected by

Andrew Ellicott, Esq., in the year 1817, on the south bank or shore of the said river Iroquois or Catarqui, (now called the St. Lawrence,) which monument bears south 74° 45' west, and is eighteen hundred and forty yards distant from the stone church in the Indian village of St. Regis, and indicates the point at which the 45th parallel of north latitude strikes the said river; thence, running north 35° 45' west into the river, on a line at right angles with the southern shore, to a point one hundred yards south of the opposite island, called Cornwall Island; thence, turning westerly, and passing around the southern and western sides of said island, keeping one hundred yards distant therefrom, and following the curvatures of its shores, to a point opposite to the northwest corner or angle of said island; thence, to and along the middle of the main river, until it approaches the eastern extremity of Barnhart's island; thence, northerly, along the channel which divides the last-mentioned island from the Canada shore, keeping one hundred yards distant from the island, until it approaches Sheik's Island; thence, along the middle of the strait which divides Barnhart and Sheik's Islands, to the channel called the Long Sault, which separates the two last-mentioned islands from the lower Long Sault Island; thence, westerly, (crossing the centre of the last-mentioned channel,) until it approaches within one hundred yards of the north shore of the Lower Sault Island; thence, up the north branch of the river, keeping to the north of and near the Lower Sault Island, and also north of and near the Upper Sault (sometimes called Baxter's) Island, and south of the two small islands marked on the map A and B, to the western extremity of the Upper Sault or Baxter's Island; thence, passing between the two islands called the Cats, to the middle of the river above; thence, along the middle of the river, keeping to the north of the small islands marked C and D, and north also of Chrystler's Island, and of the small island next above it marked E, until it approaches the northwest angle of Goose Neck Island; thence, along the passage which divides the last-mentioned island from the Canada shore, keeping one hundred yards from the island, to the upper end of the same; thence, south of and near the two small islands called the Nut Islands; thence, north of and near the island marked F, and also of the island called Dry or Smuggler's Island; thence, passing between the islands marked G and H, to the north of the island called Isle au Rapid Plat; thence, along the north side of the last-mentioned island, keeping one hundred yards from the shore, to the upper end thereof; thence, along the middle of the river, keeping to the south of and near the islands called Cousson (or Tussiu) and Presque Isle; thence, up the river, keeping north of and near the several Gallop Isles, numbered on the map 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, and also of Tick, Tibbet's, and Chimney Islands, and south of and near the Gallop Isles, numbered 11, 12, and 13, and also of Duck, Drummond, and Sheep Islands; thence, along the middle of the river, passing north of island No. 14, south of 15 and 16, north of 17, south

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of 18, 19, 20, 21, 22, 23, 24, 25, and 28, and north of 26 and 27; thence, along the middle of the river, north of Gull Island and of the islands No. 29, 32, 33, 34, 35, Bluff Island, and No. 39, 44, and 45, and to the south of No. 30, 31, 36, Grenadier Island, and No. 37, 38, 40, 41, 42, 43, 46, 47, and 48, until it approaches the east end of Wells' Island; thence, to the north of Wells' Island, and along the strait which divides it from Rowe's Island, keeping to the north of the small islands No. 51, 52, 54, 58, 59, and 61, and to the south of the small islands numbered and marked 49, 50, 53, 55, 57, 60, and X, until it approaches the northeast point of Grindstone Island; thence, to the north of Grindstone Island, and keeping to the north also of the small islands No. 63, 65, 67, 68, 70, 72, 73, 74, 75, 76, 77, and 78, and to the south of No. 62, 64, 66, 69, and 71, until it approaches the southern point of Hickory Island; thence, passing to the south of Hickory Island, and of the two small islands lying near its southern extremity, numbered 79 and 80; thence, to the south of Grand, or Long Island, keeping near its southern shore, and passing to the north of Carlton Island, until it arrives opposite to the southwestern point of said Grand Island, in Lake Ontario; thence, passing to the north of Grenadier, Fox, Stoney, and the Gallop Islands, in Lake Ontario, and to the south of and near the islands called the Ducks, to the middle of said lake; thence, westerly, along the middle of said lake, to a point opposite to the mouth of the Niagara river; thence, to and up the middle of the said river, to the Great Falls: thence, up the falls, through the point of the Horse Shoe, keeping to the west of Iris, or Goat Island, and of the group of small islands at its head, and following the bends of the river so as to enter the strait between Navy and Grand Islands; thence, along the middle of said strait, to the head of Navy Island; thence, to the west and south of, and near to, Grand and Beaver Islands, and to the west of Strawberry, Squaw, and Bird Islands, to Lake Erie; thence, southerly and westerly, along the middle of Lake Erie, in a direction to enter the passage immediately south of Middle Island, being one of the easternmost of the group of islands lying in the western part of said lake; thence, along the said passage, proceeding to the north of Cunningham's Island, of the three Bass Islands, and of the Western Sister, and to the south of the islands called the Hen and Chickens, and of the Eastern and Middle Sisters; thence, to the middle of the mouth of the Detroit river, in a direction to enter the channel which divides Bois Blanc and Sugar Islands; thence, up the said channel, to the west of Bois Blanc Island, and to the east of Sugar, Fox, and Stoney Islands, until it approaches Fighting, or Great Turkey Island; thence, along the western side, and near the shore of said last mentioned island, to the middle of the river above the same; thence, along the middle of said river, keeping to the southeast of and near Hog Island, and to the northwest of and near the island called Isle a la Pêche, to Lake St. Clair; thence, through the middle of said lake, in a direction to enter that mouth or channel of the river St. Clair

which is usually denominated the old ship channel; thence, along the middle of said channel, between Squirrel Island, on the southeast, and Heron's Island on the northwest, to the upper end of the last mentioned island, which is nearly opposite to Point aux Chenes, on the American shore; thence, along the middle of the river St. Clair, keeping to the west of and near the islands called Belle Riviere Isle, and Isle aux Cerfs, to Lake Huron; thence, through the middle of Lake Huron, in a direction to enter the strait or passage between Drummond's Island on the west, and the Little Manitou Island on the east; thence, through the middle of the passage which divides the two last mentioned islands; thence, turning northerly and westerly, around the eastern and northern shores of Drummond's Island, and proceeding in a direction to enter the passage between the island of St. Joseph's and the American shore, passing to the north of the intermediate islands, No. 61, 11, 10, 12, 9, 6, 4, and 2, and to the south of those numbered 15, 13, 5, and 1; thence, up the said last mentioned passage, keeping near to the island St. Joseph's, and passing to the north and east of the Isle a la Crosse, and of the small islands numbered 16, 17, 18, 19, and 20, and to the south and west of those numbered 21, 22, and 23, until it strikes a line (drawn on the map with black ink, and shaded on one side of the point of intersection with blue, and on the other with red) passing across the river at the head of St. Joseph's Island, and at the foot of the Neebish Rapids; which line denotes the termination of the boundary directed to be run by the 6th article of the Treaty of Ghent.

And the said Commissioners do further decide and declare, that all the islands lying in the rivers, lakes, and water communications, between the before-described boundary line and the adjacent shores of Upper Canada, do, and each of them does, belong to His Britannic Majesty; and that all the islands lying in the rivers, lakes, and water communications, between the said boundary line and the adjacent shores of the United States, or their territories, do, and each of them does, belong, to the United States of America, in conformity with the true intent of the second article of the said treaty of 1783, and of the 6th article of the Treaty of Ghent.

In faith whereof, we, the Commissioners aforesaid, have signed this declaration, and thereunto affixed our seals.

Done in quadruplicate, at Utica, in the State of New York, in the United States of America, this eighteenth day of June, in the year of our Lord one thousand eight hundred and twenty-two.

PETER B. PORTER, [L. S.]
ANTH. BARCLAY, [L. S.]

Extract from the minutes of the proceedings of the Board of Commissioners, under the sixth article of the Treaty of Ghent, held at Utica, in the State of New York, on the 18th June, 1822.

The secretary and assistant secretary are directed to furnish the agents, and the principal survey-

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ors, respectively, with a copy of the following instructions, relative to the survey under 7th article, viz :

The Commissioners have deemed it proper to prepare the following written instructions, for the guidance of the agents and principal surveyors, in ascertaining the course of the boundary, &c., under the 7th article of the treaty, comporting with the verbal directions given to the surveyors at the commencement of the present season.

It is required, that the direction which the true line intended by the treaty, shall take, be ascertained from the point where the boundary, under the 6th article, terminated, near the head of St. Joseph's Island, below the Neibish Rapids, proceeding "through Lake Superior, northward of the Isles Royal and Philipeaux, to the Long Lake; thence, through the middle of said Long Lake and the water communication between it and the Lake of the Woods, to the Lake of the Woods; thence, through the said lake, to the most northwestern point thereof."

In your operations to effect this object, the commissioners do not require you to commence at the nearest end of the contemplated line, nor to conduct your survey in continuity; but they confide in your discretion to proceed in such manner, relatively to the several parts thereof, as the convenience or necessities of the seasons and other causes may, in your judgment, render most proper.

In ascertaining the boundary, under the 7th article, you are aware that it is not our intention to pursue the course of a trigonometrical survey, observed under the 6th. It will, however, be desirable that we have a survey of the shores and islands between the foot of the Neibish Rapids and Lake Superior. It will also be desirable to have the latitude and longitude of some point at the gorge of Lake Superior.

In proceeding through Lake Superior, to the northward of the isles Royal and Philipeaux, (if there be any of the last name,) examine whether any islands lie so near the boundary line described in the treaty, as to render it doubtful on which side of the said line they may be situated; and, if any such be found, ascertain, by the most easy and expeditious means, the shape and extent of them, as well as of the isles Royal and Philipeaux, and also their geographical position, either by astronomical observations, or by triangles connecting them with the main shore or other islands, whose position is known.

After passing Lake Superior, ascertain the position of the Long Lake, or (if no lake of that name is to be found) the chain of waters supposed to be referred to in the treaty by that designation. Should you discover (as you probably will) that these waters do not communicate with Lake Superior, ascertain what rivers or waters, divided by a height of land, and emptying, one into Lake Superior, and the other into the Lake of the Woods, approximate most nearly. Fix the latitude and longitude of their points of approximation, and perambulate these waters, downwards, observing their courses and distances, and also the islands in them, their situation and extent. Fix

the latitudes and longitudes at which these rivers communicate with the respective lakes.

As to the Lake of the Woods, make such rapid surveys of its shores and islands as, upon examination thereof, you may deem necessary to a fair designation of the boundary. In fixing the latitude and longitude of "the most northwestern point of the Lake of the Woods," great care and accuracy must be observed. As regards the other geographical points, mentioned in these instructions, you will determine them with ordinary certainty. You are desired to report to the commissioners, severally, and from time to time, such matters as relate to your then past transactions, and such discoveries as you may have made, and which, in your opinion, may influence your future progress in the duties with which you are charged.

After perambulating and ascertaining the approximating waters between Lake Superior and the Lake of the Woods, if any doubt should be entertained by you as to the direction which the boundary ought to take, we wish to be advised of it as early as practicable, in order that we may proceed, if necessary, to that place to determine such difficulty.

It is expected of the agents that they will be prompt and vigilant in supplying all the wants of the surveyors, and of their parties; and that they will, at all times, whether present or absent, assist them with their advice.

Extract of a letter from Mr. Joseph Delafield, Agent under the 6th and 7th articles of the Treaty of Ghent, to the Secretary of State.

WASHINGTON, July 24, 1822.

"In respect to the seventh article of the treaty, great pains has been taken by the Commissioners to effect its speedy execution. The American party now employed consists of a principal surveyor and one assistant, who is also the draughtsman, with a few bateau-men to conduct their boats and provisions.

"I accompanied our party to Lake Superior, in which neighborhood they had commenced their work, and before I left them every arrangement was made to subsist them during the present, and the Summer of the next year, in the Northwest Territory. With the supplies afforded and contemplated, together with the provisional arrangements I was enabled to effect, through the kindness of the Agent of the American Fur Company (in case of accidents) at all their trading posts, I do not doubt the maintenance of this party in the Indian country for the time specified; and should the British surveyors render an equal service, and, together with our own, prove successful in the performance of the duty expected of them, there is a well-founded belief that the surveys, and all essential observations and information will be obtained, previous to their return.

"The passage from Lake Superior to Long Lake, mentioned in the treaty, (which probably means Rainy Lake,) may demand more time and labor to explore than has been apprehended. The

Settlement on the Columbia River.

old Grand Portage route has of late been abandoned by the British traders, and a more northern route assumed. Whether the one or the other of these routes, or an intermediate one, is to be the boundary line, can only be ascertained by explorations, of much hardship and labor, on account of the formation of the country which divides the waters that flow into Lake Superior from those that flow toward, and into, the Lake of the Woods. The Southern, or Fond-du-lac route does not seem to be in question, although it has, by some persons, been improvidently suggested. From the Rainy Lake to the Lake of the Woods, the water communication is said to be direct, and the greatest task to encounter there will be to produce, in a summary way, a chart of the latter lake, sufficiently accurate to designate the line through the numerous islands it contains. The exact, but laborious trigonometrical survey heretofore conducted, it has been determined to abandon, and the surveyors are instructed to ascertain the desired information by a more rapid method, (as described in the journal,) with sufficient certainty for the just purposes of the commission. Besides these requisitions of the surveyors, there will be several points of latitude and longitude to be determined, and some of them with great care and accuracy, particularly that of the northwest point of the Lake of the Woods.

"I have mentioned these several objects, to show that, although there is a reasonable prospect that the works may be perfected in another season, yet, that there may be obstacles which our imperfect knowledge of the country must keep concealed until our own investigations shall disclose them. From the line of trading posts, but little can be learned that is satisfactory of this part of the Northwest territory; and as it will sometimes occur, that the surveyors must explore a section that is unknown, and even untrod, but by the hunter, I think there has already been made the best prediction of the time it may consume."

Extract of a letter from Joseph Delafield, Agent, under the 6th and 7th articles of the Treaty of Ghent, to the Secretary of State, dated

"BOSTON, Sept. 24, 1822.

"Since I had last the honor to address you, I have made known to the American commissioner that the Long lake, mentioned in the treaty of 1783, (which lake is unknown at the present day by that name,) is a sheet of water, or passage, near the old Grand Portage from Lake Superior, and is so laid down and described upon the map used for the purposes of that treaty, as appears by the same in your office.

"I have also communicated this fact to our surveyor employed in the Northwest.

"My last accounts from him state, that he should be at Lac-la-Pluie by the middle of August last, and that, in his way there, he should take the old Grand Portage route, which is the Long lake route, as now properly understood. The British party were to proceed by the same route. I am much gratified to have it in my power to give

these particulars, because there is no longer any serious question open as to the general course that the line is intended to be run; and because it is now more certain that, upon the return of the surveyors the next season, the board will be possessed of all necessary information to determine the doubts under the 7th article of the treaty, and designate the line."

SETTLEMENT AT THE MOUTH OF COLUMBIA RIVER.

[Communicated to the House, January 27, 1823.]

To the House of Representatives of the United States :

I transmit, herewith, to the House of Representatives, a report from the Secretary of State, together with the document and information requested by the resolution of the House of the 19th of December last, relating to the establishment at the mouth of Columbia river.

JAMES MONROE.

WASHINGTON, Jan. 25, 1823.

DEPARTMENT OF STATE,

Washington, Jan. 24, 1823.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 19th of December last, requesting of the President of the United States "to lay before that House so much of the letter of Mr. Prevost as relates to the establishment at the mouth of Columbia river, and such information as he may have in his possession in relation to the arrangements made, about the year 1824, by the Northwest Company, with the proprietors of a settlement made by citizens of the United States at the mouth of Columbia river, by which that company became possessed of that settlement," has the honor of reporting to the President copies of the papers requested by that resolution.

JOHN Q. ADAMS.

Mr. J. B. Prevost to the Secretary of State.

MONTEREY, NEW CALIFORNIA,

November 11, 1818.

SIR: In conformity with mine of the 27th July, which I had the honor to address to your Department from Lima, I proceeded in His Britannic Majesty's sloop of war Blossom to the mouth of the Columbia, and entered the river on the 1st of October following. A few days thereafter, to wit, on the 6th, as you will perceive by referring to a copy of the act of surrender, (marked A,) I received in the name, and on the part of the United States, the possession of the establishment at Fort George, made under the first article of the Treaty of Ghent, by Captain Hickey, of the royal navy, in compliance with the orders of the Prince Regent for that purpose, signified to him through the medium of Earl Bathurst. The British flag was, thereupon, lowered, and that of the United States

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hoisted in its stead; where it now waves, in token both of possession and of sovereignty.

The establishment, of which the annexed sketch (marked B) will give you a correct idea, has been considerably extended and improved by the agents of the Northwest Company of Canada, who will continue to occupy and protect it, under our flag, until it shall please the President to give orders for their removal. I will, however, suggest that, when such disposition shall take place, time ought to be granted, in a ratio with the distance, to enable them to obtain the means of transporting the private property deposited there, consisting of dry goods, furs, and implements of war, to a large amount.

Shortly after the ceremony of surrender, I received a note on this subject from Mr. Keith, the gentleman whose signature accompanies that of Captain J. Hickey, which, together with a copy of my answer, (also marked B,) is submitted for your inspection. A sense of justice would have dictated the assurances I have given him in reply; but I had a further motive, which was that of subsiding the apprehensions excited by the abrupt visit of the Ontario. It appeared to me prudent, in this view, to take no notice of the suggestion relative to the discussion of boundary, and, in answering, to avoid any intimation of immediate or of future removal; as either might have induced him to form a settlement elsewhere on the river, and thus have given rise to collisions between the two Governments, which may now be wholly avoided.

The bay is spacious; contains several anchoring places, in a sufficient depth of water; and is, by no means, so difficult of ingress as has been represented. Those enjoying the exclusive commerce have probably cherished an impression unfavorable to its continuance, growing out of the incomplete survey of Lieutenant Broughton, made under the orders of Vancouver in 1792. It is true that there is a bar extending across the mouth of the river, at either extremity of which are, at times, appalling breakers; but it is equally true that it offers, at the lowest tides, a depth of twenty-one feet of water through a passage, exempt from them, of nearly a league in width. The Blossom, carrying more guns than the Ontario, encountered a change of wind while in the channel; was compelled to let go her anchor; and, when again weighed, to tack and beat, in order to reach the harbor; yet found a greater depth, and met with no difficulty either then or on leaving the bay. The survey (marked C) may be relied upon for its accuracy. The bearings, distances, and soundings, were taken by Captain Hickey, who was kind enough to lend himself to the examination, and to furnish me with this result. It is the more interesting, as it shows that, with the aid of buoys, the access to vessels of almost any tonnage may be rendered secure. In addition to this, it is susceptible of entire defence; because a ship, after passing the bar, in order to avoid the breaking of the sea on one of the banks, is obliged to bear up directly for the knoll forming the cape; at all times to approach within a short distance of its

base; and most frequently there to anchor. Thus, a small battery erected on this point, in conjunction with the surges on the opposite side, would so endanger the approach as to deter an enemy, however hardy, from the attempt.

This outlet, the only one between the thirty-eighth and fifty-third degrees of latitude, embraces the entire range of country from the ocean to the mountains; and its interior unites the advantage of a water communication throughout, by means of the many streams tributary to the Columbia, two of which disembogue opposite to each other within twenty-five leagues of the port, are navigable, and nearly of equal magnitude with this beautiful river. The ocean teems with otter, (*mustela lutica*,) the seal, and the whale; while the main land affords, in innumerable quantities, the common otter, (*mustela lutica*,) the bear, the buffalo, and the whole variety of deer.

It has been observed, by exploring this coast, that the climate, to the southward of fifty-three degrees, assumes a mildness unknown in the same latitude on the eastern side of the continent. Without digressing to speculate upon the cause, I will merely state, that such is particularly the fact in forty-six degrees sixteen minutes, the site of Fort George. The mercury, during the Winter, seldom descends below the freezing point; when it does so, it is rarely stationary for any number of days; and the severity of the season is more determined by the quantity of water than by its congelation. The rains usually commence with November, and continue to fall partially until the latter end of March, or beginning of April. A benign Spring succeeds; and when the Summer heats obtain, they are so tempered by showers as seldom to suspend vegetation. I found it luxuriant on my arrival, and, during a fortnight's stay, experienced no change of weather to retard its course. The soil is good; all the cereal gramina and tuberous plants may be cultivated with advantage; and the waters abound in salmon, sturgeon, and other varieties of fish.

The natives, in appearance as well as in character, differ essentially from those with us. They are less in stature, more delicately formed, and singular in the shape of the head, which, in infancy, is compressed between two small plates of wood or metal, so as in its growth to obtain the semblance of a wedge. They are inquisitive, cheerful, sagacious, possess fewer of the vices attributed to the savage, and are less addicted to cruelties in war. Scalping is unknown to them; and a prisoner suffers the infliction of no other punishment than that of becoming slave to the captor; but as they neither sow nor reap, an observer cannot easily discern in what the servitude consists. The wants of the one are supplied by his own address in the use of the bow and spear; while those of the other require the same efforts, and equal skill, for their gratification.

The language on this side of the falls bear a strong analogy with that of Nootka; so much so, that, with the aid of a Spanish vocabulary of the latter, accompanying the voyage of Valdez, I could, notwithstanding the imperfection in this mode of conveying and of obtaining sounds, ex-

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press my wants and be perfectly understood. I met with several of the natives who had heretofore volunteered on board of some one of our vessels in their fur excursions; two of whom had acquired a sufficient knowledge of our language to speak it with some ease, and were extremely solicitous to embark with us.

I regret that I could not collect sufficient data upon which to ground an estimate of the furs gathered on the Columbia; it was impossible, for reasons that are obvious. Humboldt has undertaken to number those of the otter taken on the coast and shipped to China, of which he assigns five-sixths to the Americans. He may be correct as to the quantity, but I doubt whether the proportion be quite so great; as it frequently happens that the English adventurer confides his stock to our countrymen, in order to participate in the benefit of a market, from a direct intercourse with which he is excluded by the laws of his country.

Perhaps I have gone too much into detail; but it appeared to me that, by exhibiting the importance of the position only, I should not have fulfilled the object of the President; that it was equally incumbent on me to present a view of the country, of its inhabitants, of its resources, of its approach, and of its means of defence. I shall now conclude with the relation of an occurrence which may and ought to influence the course to be adopted and pursued as to this station.

The speculations of Humboldt, and his glowing description of the soil and climate of this province, have probably given a new direction to the ambition of Russia, and determined its Emperor to the acquisition of empire in America. Until 1816, the settlements of this Power did not reach to the southward of 58°* and were of no consideration, although dignified by them with the title of Russian America.

In the commencement of that year two distinct establishments were made, of a different and of a more imposing character. The first at Atooi, one of the Sandwich islands; the other in this vicinity, within a few leagues of St. Francisco, the most northerly possession of Spain, in 57° 56'. The sketch I subjoin (marked D) was procured from a member of the Government at this place, from whom I also learned that its augmentation has since become so considerable as to excite serious alarm. Two Russian ships left this on their way thither a few days anterior to our arrival—one having on board mechanics of every description, together with implements of husbandry. We passed sufficiently near the spot assigned to it to distinguish the coast with some precision, and ascertained that it was an open road—a circumstance that renders the position liable to many objections, if intended to be permanent; in other respects, the choice is judicious for an infant colony. It enjoys a climate still milder than that of Columbia; is environed by a

beautiful country; and its proximity to an old settlement enables the Russians to partake of the numerous herds of black cattle and horses that have been there multiplying for the last fifty years. The port of St. Francis is one of the most convenient, extensive, and safe in the world, wholly without defence, and in the neighborhood of a feeble, diffused, and disaffected population. Under all these circumstances, may we not infer views to the early possession of this harbor, and ultimately to the sovereignty of entire California? Surely the growth of a race on these shores, scarcely emerged from the savage state, guided by a chief who seeks not to emancipate, but to inhale, is an event to be deprecated—an event, the mere apprehension of which ought to excite the jealousies of the United States, so far at least as to induce the cautionary measure of preserving a station which may serve as a barrier to a northern aggrandizement.

I have not been able to gather other information respecting the settlement at Atooi than that of an assurance of its existence—a fact corroborated by the visit of the two ships to those islands in their route hither. The Russians are not yet such enterprising navigators as to augment sea risks by extending a voyage several thousand miles without an object. Such was the case in this instance, unless connected with the settlement, as they had sailed from Lima abundantly supplied, a few weeks prior to my first visit to that city, in April last.

These islands yield the sandal wood, so much esteemed in China, and have been resorted to by our vessels, for years past, not only in search of this valuable article, but of the necessary stock of fresh provisions to supply the crew during their cruise on the Northwest coast. How far this intercourse may be affected, hereafter, by this encroachment, is also a subject for the consideration of the President.

I have taken the liberty to enclose a note (marked E) of the authorities, Spanish as well as English, that have fallen under my view, illustrating the discovery of the Columbia by Mr. Gray, in 1791. Its subsequent occupation in 1811, by which the sovereignty of the United States was completed, to the exclusion of any European claimant, is a fact of which the surrender of the sole establishment on the river is conclusive evidence.

I have the honor to be, &c.,

J. B. PREVOST.

Mr. J. J. Astor to the Secretary of State.

NEW YORK, January 4, 1823.

SIR: I had the honor to receive your letter of the 24th ultimo. Indisposition has prevented my acknowledging the receipt thereof at an earlier period.

You request information of arrangements made at about 1814, by the Northwest Company and citizens of the United States, by which that company became possessed of a settlement made at the mouth of Columbia river by citizens of the United States. The settlement to which you

* Chart of the discoveries of Russian navigators, published by order of the Emperor in 1802, referred to by Humboldt in his *View of New Spain*, (translation,) page 270, 2d vol. (note.)

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allude, I presume, is "Astoria," as I know of no other having been made at or near the mouth of that river. Several circumstances are alleged as having contributed to the arrangement by which the Northwest Company became in possession of that settlement, but chiefly to the misuse of the confidence which had been placed in Mr. McDougall, who, at the time the arrangement was made, and at the time my chief agent, Mr. Wilson P. Hunt, was absent, acted as sub-agent.

I beg leave briefly to state, that, contemplating to make an establishment at the mouth of Columbia river, which should serve as a place of depot, and give further facilities for conducting a trade across this continent to that river, and from thence, on the range of Northwest coast, &c., to Canton, in China, and from thence to the United States, arrangements were accordingly made, in 1810, for a party of men to cross the continent for the Columbia river. At the same time, I fitted the ship *Tonquin*, carrying twenty guns and sixty men, commanded by the late Captain Thorn, Lieutenant of the United States Navy. This ship sailed in September, 1810, having on board the means for making an establishment at Columbia, where she arrived on 22d March, 1811. They landed, found the natives friendly, and built a fort, erected a house, store, &c. This being accomplished, Captain Thorn left thirty men in possession of the place, to await the party who were to make the voyage over land; these also happily arrived, though not till several months after. On or about the 1st of June, Captain Thorn left Columbia river with a view to make some trade on the coast, and then to return to the river; but, unfortunately, Captain Thorn never returned. At about two hundred miles north of the Columbia, he put in a bay to trade with the natives. Not attending to the precautions necessary, as he had been instructed to do, to guard against attack, he suffered a whole tribe of Indians to come on board and about his ship; an attack was made; he was overpowered; fire was communicated to the magazine; the ship was blown up; and every soul on board, or near her, perished.

In 1811, I fitted out another ship, the *Beaver*, carrying twenty guns, with a duplicate cargo of the ship *Tonquin*, and sixty or seventy men. The captain (Sowle) was instructed to sail for Columbia river, and in search of the men who were sent across the continent, as also of the *Tonquin*. The *Beaver* sailed from this in October, 1811, arrived at Columbia in May following, found the establishment, and landed such men, goods, provisions, &c., as the establishment was in need of. My instructions to the captain were, that, after supplying the establishment, he should proceed to Chatka, a Russian settlement, for the purpose of trade; and then return to Columbia, take what furs we had, and proceed to Canton, and from thence to New York. He accordingly left Columbia; and, most unfortunately, Mr. Hunt, of Trenton, New Jersey, my chief agent, left the river with him, sailed as directed, for the Russian settlement, and effected their object; but, instead of following instructions to return to Columbia, he sailed direct

for Canton, leaving Mr. Hunt at one of the Sandwich islands, to await the arrival of another ship which I had promised to send from this in 1812. The ship *Beaver* arrived at Canton, and received there the news of war. I had sent orders to the captain to return to Astoria, but he was fearful of being captured, and remained safely at Canton till the war was over, when he came home. In consequence of the war, I found it inconvenient to send a ship in 1812; but I did send one (the *Lark*) early in 1813, with directions to the captain to sail for Columbia river, and to stop at the Sandwich islands for information. Being within a few days' sail of those islands, the ship, in a squall of wind, was upset, and finally drifted on the beach of one of those islands, a wreck—ship and cargo totally lost. Here was met Mr. Hunt, who, after all the information he received, and my great desire to protect the establishment at Columbia river, procured an American vessel, took some provisions, sailed, and arrived in Columbia river. He there learned that McDougall had transferred all my property to the Northwest Company, who were in possession of it, by a sale, as he called it, for the sum of about \$58,000, of which he retained \$14,000, for wages said to be due to some of the men. From the price obtained for the goods, &c., and he having himself become interested in the purchase, and made a partner of the Northwest Company, some idea may be formed as to this man's correctness of dealings. It will be seen, by the agreement (of which I transmit a copy) and the inventory, that he sold to the Northwest Company 18,170½ pounds of beaver, at two dollars, which was at about that time selling in Canton at five and six dollars; 907 otter skins, at fifty cents, or half a dollar, which were selling in Canton at five to six dollars per skin.

I estimated the whole property to be worth nearer \$200,000 than \$40,000, about the sum which I received by bills on Montreal. Previous to the transaction of McDougall, we had already established trading-posts in the interior, and were in contact with the Northwest Company. It is now to be seen what means have been used by them to counteract my plan. It is well known that, as soon as the Northwest Company had information of my intentions and plan for conducting my commercial operations, they despatched a party of men from the interior, with a view to arrive before my people at Columbia. These men were obliged to return without effecting their object. In the mean time, representation was made to their Government as to the probable effect of my operations on their interest, and requesting to interfere in their behalf. This being in time of peace, the Government did not deem it advisable so to do. So soon, however, as war was declared, these representations were renewed, aid was asked from the Government, and it was granted. The *Phoebe* frigate, and sloops of war *Raccoon* and *Porcupine*, were sent from England, with orders to proceed to Columbia river, and destroy my property. They sailed from England early in January, 1813. Arriving at Rio de Ja-

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neiro, Admiral Dickson ordered the *Phœbe* frigate, with one of the sloops, to pursue Captain Porter, in the frigate *Essex*, and the sloop-of-war *Raccoon* to the Columbia. She arrived there, took possession in the name of the King, and changed the name of the place, Astoria, to Fort George. Previous to this, the Northwest Company had despatched another or second party of men to the Columbia. They arrived there in the absence of Mr. Hunt. McDougall gave them support and protection, and they commenced, after some time, to negotiate with this gentleman.

The reasons assigned by him for his conduct will be seen by an extract of a letter said to have been sent by a Mr. Shaw, of the Northwest Company, and of which I send you a copy. The plan by me adopted was such as must have materially affected the interest of the Northwest and Hudson's Bay Companies, and it was easy to be foreseen that they would employ every means to counteract my operations, and which, as my impression, I stated to the Executive of your Department as early as February, 1813, as will be seen by a copy of the sketch of a letter which I wrote to the Secretary of State, to which no reply was given. On repeated application, some time after, aid was promised me; but I believe the situation of our country rendered it inconvenient to give it. You will observe that the name of the Pacific Fur Company is made use of at the commencement of the arrangements for this undertaking. I preferred to have it appear as the business of a company rather than that of an individual; and several of the gentlemen engaged, Mr. Hunt, Mr. Crooks, Mr. McKay, McDougall, Stuart, &c., were, in effect, to be interested as partners in the undertaking, so far as respected any profit which might arise; but the means were furnished by me, and the property was solely mine, and I sustained the loss, which, though considerable, I do not regret; because, had it not been for the unfortunate occurrence just stated, I should have been, as I believe, most richly rewarded, as it will be seen that the difference of price in the beaver and otter skins alone, say what I received, and the value of them at Canton at that time, is about sixty thousand dollars. The copy of agreement, inventory, and extract of Shaw's letter, you will please return to me.

I am sir, &c.,

JOHN JACOB ASTOR.

HON. JOHN QUINCY ADAMS,
Secretary of State.

Mr. Astor to Mr. Monroe, Secretary of State.
NEW YORK, February, 1813.

SIR: I take the liberty to call to your recollection the subject of which I spoke when I had the honor of waiting on you at Washington, and to enclose a copy of a letter which I received in November last, *via* Canada, as also copies of some notes passed between some of the agents whom I sent to Columbia river and Mr. Thompson, a partner of the Northwest Company of Canada. By these it will be seen that the Indians on that

part of the continent are friendly, and it is understood that the climate is mild and the country is good, and I am informed and believe that a great and valuable trade may be carried on there with more advantage by this than any other country. By the extract of a letter from the wintering partners of the Northwest Company to Mr. McGillivray, of Montreal, it will be seen that they are more or less apprehensive that the plan pursued by me will more or less endanger the valuable and extensive trade of that company, which, though of some consideration to this country, is, in my opinion, of less consequence than the trade which may be carried on on the coast, and from thence to China, as also a considerable trade with the Russian settlements in that part of the world.

You will perceive, sir, that the people whom I sent out in a ship in the year 1810 have established themselves on the Columbia river, and have built a fort, which I understand is on a favorable situation, about ten or twelve miles from the mouth of the river. If all the men who were sent thither have arrived safe, (as I believe they have,) then there must be about one hundred and fifty, besides a number of natives from the Sandwich islands.

I know that the Northwest Company have communicated my undertaking to the British Government, and, under present circumstances, I think it more than probable that they will apply for some aid to defeat it. Whether they have, or will succeed in obtaining it, I know not.

I have, however, every reason to believe that if the Government do not aid them, they will make themselves an effort to that effect. Under other circumstances than the present, (I mean in time of peace,) I think I could have made a stand against that company; in the present, it becomes doubtful and hazardous, and, in case of an interference on the part of the British Government, impossible for an individual to hold possession of a country which may become a source of wealth and comfort to many. In this situation, it becomes very interesting to know somewhat of the views of Government relative to this object; and whether the United States have or will assert any claim to that or any part of that country; and whether the Government will deem it expedient to take possession and give protection to the infant establishment which has been made. I presume, if forty or fifty men were placed in the fort already established, or on some more eligible situation, (if such there be,) they could, with the aid of the men already there, repel any force which I think it likely the British would at this time send; and, in the mean time, means might be found to send some more men, and to strengthen ourselves. My plan was to have reconciled the Indians on the Missouri to our having a free communication up that river, which no doubt in a future day will be effected, whence we can send any force necessary to protect ourselves. But it appears necessary that some step should now be taken which will afford a more speedy aid, which can only be done by sending a vessel, &c. round Cape Horn. There

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are at this time about twelve or thirteen American vessels on that coast; many of them might seek and find protection in the Columbia river if we had even a small force there. I beg leave to say, that, at the commencement of my undertaking, it appeared to be necessary that some of the people sent to that country should be acquainted with the Indian trade; and, they being very scarce in the United States, I have been under the necessity of taking some from Canada, some Canadians, and some few Scotchmen. Although they have all become citizens of the United States, I am more or less apprehensive that these, in time of war, may join any force sent by the Northwest Company or the British Government; and the more so if there should be no appearance of any protection from this country. The number of these is, however, small; and the principal agent is a Mr. Hunt, of Trenton, a real American, and a gentleman of integrity, honor, and talents. I believe, at present, there is no post or establishment on the Columbia river but the one here spoken of, though I am pretty sure the Northwest Company will endeavor to fix one, as I have just received a letter dated 19th November, in London, which says the Northwest Company are fitting the ship *Isaac Todd*, of about five hundred tons, to go to the Northwest coast. The writer does not say under what circumstances the ship goes; but that she will go to Columbia river, there can be no doubt. I pray you, sir, to have the goodness to bring this subject under the consideration of the President, and, if permitted, I would ask the favor of being informed of the result; which is the more desirable, as I expect very shortly an opportunity of sending a messenger to that quarter of the world. I am sure the Government will readily see the importance of having possession and the command of a river so important and extensive as the Columbia, the fountain of which cannot be far distant from that of the river Missouri.

I have the honor to be, &c.

JOHN JACOB ASTOR.

Hon. JAMES MONROE, *Sec'y of State.*

UNITED STATES OF AMERICA,
City of New York, ss.

Be it known that, on the day of the date hereof, before me, John G. Bogert, a public notary in and for the State of New York, duly admitted and sworn, dwelling in the city of New York, personally, came Wilson P. Hunt, who, being by me duly sworn, did declare and say, that the annexed agreement, inventories, and account current, [are those] by which the property of the late Pacific Fur Company was transferred to the Northwest Company of Canada; which agreement said Hunt had not in his power to reject, as the property had been some months in the possession of said Northwest Company when said Hunt returned to Astoria, the 28th February, 1814.

That, in explanation of the first article of said agreement, he declares nothing more to have been intended or understood by the word "establish-

ment," than the dwelling-houses and stores (and not right of soil) erected by the Pacific Fur Company at Astoria, as is fully shown by reference to the fourth article of said agreement, and to the tenth page of said inventory; in each of which the item of "buildings" comprehends all the property of that description paid for by the Northwest Company. And he further declares, that he never gave or conveyed to any person whatever any right or title to lands on the Columbia river and the Northwest coast; nor has he any knowledge or suspicion of any member of the late Pacific Fur Company having transferred land to the Northwest Company; more particularly as no person was authorized so to do.

WILSON P. HUNT.

In testimony whereof, I have hereunto subscribed my name, and affixed my seal of office, the twelfth day of January, in the year of [L. s] of our Lord one thousand eight hundred and eighteen.

J. G. BOGERT, *Notary Public.*

The association heretofore carrying on the fur trade to the Columbia river and its dependencies, under the firm and denomination of the Pacific Fur Company, being dissolved on the 1st of July last, by Duncan McDougall, Donald McKenzie, David Stuart, and John Clarke, with the intention to abandon the trade in that quarter, it is hereby agreed, concluded, and settled upon, of their own free will and consent, by Duncan McDougall, acting for himself and in behalf of his associates, namely, Donald McKenzie, David Stuart, and John Clarke, on the one part, and John George McTavish and John Stuart, acting for themselves, and in behalf of the Northwest Company, on the other part, that the following agreement and settlement take place between them, and be binding and obligatory in the manner, and subject to the terms and agreements, hereinafter specified and contained: Now therefore it is hereby mutually agreed and concluded, by and between the said parties to these presents, and they do hereby mutually covenant and agree, to and with each other, in manner following, that is to say:

ARTICLE 1. The party of the former part hereby covenants and agrees to deliver, or cause to be delivered, the whole of their establishments, furs, and present stock on hand, on the Columbia and Thompson's rivers, as soon as the necessary inventories can be taken, unto the said party of the latter part, or any other person or persons appointed by them to represent the Northwest Company, to receive the same, at the prices and rates concluded and agreed upon as hereinafter specified in article fourth.

ART. 2. In consideration of article first being duly and faithfully performed by the party of the former part, they, the said John George McTavish and John Stuart, for themselves, and on behalf of the Northwest Company, do bind and oblige themselves and the said Northwest Company, or their agents, to pay, or cause to be paid, unto the said Duncan McDougall, acting for himself and

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in behalf of his associates, as before mentioned, his attorneys, assigns, or order, the amount of the sum or sums arising from the sale according to article first, and the rates hereinafter specified in article fourth, at three several instalments; the first one-third, on or before the twenty-fifth of October, one thousand eight hundred and fourteen; the second one-third, on or before the twenty-fifth of November; and the remaining one-third, on or before the twenty-fifth of December. And further, it is hereby understood that, should the party of the former part find it convenient to leave the amount of the several drafts, after becoming payable as already specified, in the hands of the party of the latter part, or their agents, they, the said party of the latter part, or their agents, will allow interest at six per cent. until paid on demand; and as there are several moneys, the produce of their wages, due unto the people employed in the service of the late Pacific Fur Company, carrying on trade on the Columbia and Thompson's rivers, the said party of the latter part, namely, John George McTavish and John Stuart, acting for themselves and the Northwest Company, or their agents, do hereby bind and oblige themselves to pay, or cause to be paid, unto the several individuals employed by the party of the former part, the amount of the balances due them, according to the statement that shall be delivered by the said Duncan McDougall, acting for himself and his associates, as before mentioned, within one month after their arrival at Montreal, in the province of Lower Canada; the amount of which several sums so paid is to be considered as part of, and deducted from, the first instalment to be paid unto the said Duncan McDougall, acting for himself and his associates as before mentioned, his attorneys, assigns, or order, on or before the twenty-fifth of October, one thousand eight hundred and fourteen.

ART. 3. And further: The said John George McTavish and John Stuart, acting for themselves and the Northwest Company, will be at liberty to make a selection, and take into their service such of the people in the employment of the party of the former part, as they may think proper; in consideration of which, the said party of the latter part bind and oblige themselves to pay, or cause to be paid, unto the said party of the former part, the several sums due them, by such as may enter into the service of the party of the latter part; and the said party of the latter part further bind and oblige themselves to provide and insure a safe passage to the said party of the former part, and the remaining part that will not be taken into their service, to their respective homes.

ART. 4. And further: It is hereby agreed and concluded upon by the said parties, that the following are the rates at which the establishments, furs, and stock on hand, be valued at, as follows:

Dry goods, stationery, gunpowder, and leaf tobacco, fifty per cent. on the prime cost; ship chandlery, sixty per cent.; shot, ball, lead, iron, and steel, one hundred per cent.; deduction on made-up iron works at Columbia river, thirty-three and one-third per cent.; new boats, each ten

pounds, Halifax currency; boats in use, each five pounds, Halifax currency; shallop, with rigging complete, one hundred and twelve pounds ten shillings; two blacksmith's forges, complete, twenty-five pounds; plug tobacco, one shilling and six pence per pound; plug tobacco manufactured at Columbia, one shilling and three pence per pound; beads, assorted, five shillings per pound; arms, cannon, &c., prime cost; provisions, at fixed prices; articles in use, half inventory prices; horses, thirty shillings each; buildings, two hundred pounds; John Reid's adventure, and Freeman's, in the vicinity of Snake country and Spanish river, to deduct one hundred per cent.; beaver furs, ten shillings per pound; beaver coating, eight shillings and four pence per pound; muskrats, seven pence half-penny each; land otters, two shillings and six pence each; sea otters, large, sixty shillings each.

And for the faithful performance of all and singular the said covenants and agreements to be by them, respectively, kept and performed, all and every of the parties to these presents bind themselves, separately and jointly, for their several associates, firmly by these presents.

In witness whereof, the parties to these presents have hereunto set their hands and seals, this sixteenth day of October, one thousand eight hundred and thirteen, at entrance of Columbia river, northwest coast of America.

DUN. McDOUGALL, [L. s.]
J. G. McTAVISH, [L. s.]
JOHN STUART. [L. s.]

Witnesses.—John C. Halsey, Gabriel Franchere, Alfred Seton, William Wallace, Angus Bethune, James McMellen, Joseph McGillivray.

In explanation of what is meant and intended by "inventory prices" for articles in use, and fixed prices for provision, it was mutually understood by both parties, at the time, that the inventory prices of said articles in use should be fixed at half prime cost, and that no charges at all were to be made for provisions or stores of any description; and to prevent any difference that might, in future, arise on the subject, it is hereby mutually understood and agreed upon, by the parties present, that the inventory prices of said articles in use shall be fixed at half prime cost, and no charges at all be made for provisions: which explanation is to be considered equally valid and binding as if inserted or so explained in the body of the agreement itself.

DUN. McDOUGALL,
J. G. McTAVISH,
JOHN STUART.

Witnesses.—John C. Halsey, Angus Bethune.

It is hereby agreed, by and between the parties to these presents, that, in consideration of the arrival of W. P. Hunt, the aforementioned Duncan McDougall wishes to assign, and does hereby assign, to said W. P. Hunt, the part which the said Duncan McDougall held in acting for the party of the first part; and for the completion of the aforementioned agreement, the said W. P. Hunt holds himself equally bound with said Duncan McDougall: and further, to render the article regarding

Settlement on the Columbia River.

John Reid's adventure to the Snake country more explicit, it is hereby fully understood that fifty per cent. was meant, instead of one hundred per cent., expressed in the said aforementioned articles of agreement, to be deducted.

Signed this tenth day of March, one thousand eight hundred and fourteen.

DUNCAN McDOUGALL,
WILSON P. HUNT,
J. G. McTAVISH,
JOHN STUART.

Witnesses.—John C. Halsey,
Angus Bethune.

The Northwest Company in account with John Jacob Astor.

March 12, 1814.	Dr.
To amount of furs delivered Messrs. McTavish and Stuart, as per invoice - - -	\$39,173 66½
To amount of invoice of sundry merchandise, &c., delivered at Astoria - - -	13,256 01
To amount of invoice of sundry merchandise, &c., delivered at Okunaakan - - -	2,333 58½
To amount of invoice of sundry merchandise, &c., delivered at Spokane - - -	1,715 17½
To amount of goods delivered Mr. John G. McTavish, June 26, 1813	858 80½
To amount of John Reid's outfit to the Snake country, and Freeman's accounts, as follows:	
To amount of invoice - \$689 63	
To amount of J. Hough's account - - -	241 09
To amount of J. Reznor's account - - -	240 57
To amount of P. Delaunay's account - - -	189 76
To amount of E. Robinson's account - - -	330 62
To amount of P. Dorion's account - - -	215 85
	\$1,907 57
	953 78½
	953 78½
	\$58,291 02

March 12, 1814.	Cr.
By amount of sundry articles delivered Wilson P. Hunt - - -	\$436 10½
By bill of exchange of this date, drawn by John McDonald on McTavish, McGillivray & Co., Montreal, in favor of W. P. Hunt, payable 25th of October next - Hx. Cy. £927 17s. 6d.	
	3,711 50
By bill of exchange of the same date, drawn by the same on the same,	

in favor of the same, payable 15th Nov. next, Hx. Cy. £4,821 5s. 19,285 00

By bill of exchange of the same date, drawn by the same on same, in favor of the same, payable 25th Dec. next, Hx. Cy. £4,821 5s. 19,285 00

By draft of the same date, drawn by the same on the same, in favor of Donald McKenzie, payable 25th October next - - - 1,483 24

By amount of balances due sundry persons, assumed by Messrs. McTavish & Stuart - - - 14,090 17½

\$58,291 02

E. E. WILLSON P. HUNT,
In behalf of John Jacob Astor.
MARCH 12, 1814.

UNITED STATES OF AMERICA,
City of New York, ss.

Be it known, that, on the day of the date hereof, before me, John G. Bogert, a public notary in and for the State of New York, duly admitted and sworn, dwelling in the city of New York, personally came John C. Halsey and Alfred Seton, who, being by me duly sworn, depose and say, that the letter hereto annexed is a true copy of a letter brought to Astoria by John G. McTavish, of the Northwest Company, and that they saw and read the same, and each became a witness to a copy thereof, which Duncan McDougall had recorded in a book of the Pacific Fur Company, for the purpose of justifying him in transferring the property of said company at Astoria to the Northwest Company of Canada, as appears by the subsequent transactions of said Duncan McDougall.

JOHN C. HALSEY,
ALFRED SETON.

In testimony whereof, I have hereunto subscribed my name, and affixed my seal of office, [L. S.] the twelfth day of January, in the year of our Lord one thousand eight hundred and eighteen.
JOHN G. BOGERT.

Extract of a letter addressed to Mr. John G. McTavish, Columbia river, from A. Shaw, agent for the Northwest Company, dated Montreal, May 9, 1813.

ASTORIA, COLUMBIA RIVER,
October 9, 1813.

MY DEAR SIR: We are in hurry and confusion, preparing papers, &c., for the express canoe, having waited impatiently for some time. It was at last determined upon to send it off, without having received the least knowledge of what has been doing in England since December last; but, fortunately, the arrival of a frigate brought us accounts of the Isaac Todd, having on board Messrs. McTavish and McDonald, being ready for sea on the 18th of March. She is accompanied by a

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frigate to take and destroy every thing that is American on the northwest coast.

DUN McDOUGALL,
DONALD MCKENZIE,
JOHN CLARKE,
ALFRED SETON,
JOHN C. HALSEY,
GAB. FRANCHERE,
WILLIAM WALLACE.

DOCUMENTS ACCOMPANYING THE PRESIDENT'S MESSAGE TO CONGRESS AT THE COMMENCEMENT OF THE SESSION, DECEMBER 2, 1822.

Copies and extracts of letters and reports, exhibiting a general view of the correspondence between the commanders of our cruising vessels in the West Indies, and the Spanish authorities.

U. S. FRIGATE MACEDONIAN,
Havana, May 6, 1822.

SIR: I have the honor to inform you that I arrived here on the 28th ultimo. My passage was somewhat protracted by chasing, out of my course, suspicious looking vessels among the islands, and by having two days under convoy an American schooner, that requested me to see her safe past Cape Antonio. On my arrival, I saluted the Captain General and the Admiral, receiving from each, in return, gun for gun, agreeably to previous arrangement. On the 29th, I had an interview with the Captain General relative to the business with which I am charged by Mr. Adams, the Secretary of State. On the 30th, I addressed a communication to him upon the subject of landing our boats and men upon the coast of Cuba when in pursuit of pirates. I enclose a copy of my communication, as also of the Captain General's answer; and you will perceive he declines acceding to the proposition I made to him. I think it preferable to pursue one object at a time with the Government here, and I shall therefore drop this subject for the present, renewing it when my correspondence in regard to the Florida documents is terminated. He certainly ought, and perhaps will consent to our landing upon those parts of the coast that are uninhabited, and where, though within his jurisdiction, he is utterly incapable of exercising any authority. There are many such places on the coasts of this island.

The measures adopted by the Captain General, and to which he refers in his letter to me, consist simply of a proclamation, in March last, establishing certain regulations with respect to the clearances of coasting vessels, launches, and other boats. These regulations, I understand, are not strictly enforced, and, even if they were, they are altogether insufficient for the suppression of piracy along the extensive coast of Cuba. As this proclamation has been published in the American newspapers, I do not think it necessary to send you a copy.

I regret to state that I have not met any of our cruisers either at this port or off Cape Antonio, nor have I been able to gain any information as to where they probably now are. It is some time since any of them were here. The British frigate Tribune is here, from Porto Bello, and is about to sail for England with specie.

I have the honor to be, &c.

JAMES BIDDLE.

HON. SMITH THOMPSON,
Secretary of the Navy.

Captain Biddle to Governor Mahy.

UNITED STATES FRIGATE MACEDONIAN,
Havana, April 30, 1822.

SIR: I have the honor to represent, that the commercial relations between the United States and Cuba are already very considerable, and that they would unquestionably be more considerable, if rendered more secure from unlawful depredations. As these relations, too, are mutually beneficial, it is important to both parties that they should be effectually protected. For this object the Government of the United States, on its part, has employed an adequate naval force, which is placed under my direction and control. But as the depredations have been committed chiefly in open boats, immediately upon the coast, and off the harbors, it is important that we should have your Excellency's co-operation. I have therefore the honor to propose that your Excellency should so far co-operate with me as to sanction the landing, upon the coast of Cuba, of our boats and men, when in pursuit of pirates. This measure would be promotive of our common benefit—is indispensable to the entire suppression of piracy, and is not intended in any manner to infringe upon the territorial rights of your Excellency. It will operate against those only whose atrocious crimes render them obnoxious to every regular Government, and should place them without the protection of all law.

I have the honor to be, with great consideration and respect, your Excellency's most obedient and very humble servant,

JAMES BIDDLE.

HIS EX'CY DON NICHOLAS MAHY,
Capt. Gen. and Governor of Cuba, Havana.

Governor Mahy to Captain Biddle.

HAVANA, May 2, 1822.

I am too sensible of the importance of the commercial relations which exist, and may continue, between the ports of this Island and those of the United States, which I am desirous of cultivating, not to have adopted measures to put a stop to depredations which might obstruct them along the extensive coasts of this Island, under my jurisdiction. I repeat, that such measures have been adopted, and have been made public; and with the zealous co-operation with which you inform me you are charged, we shall doubtless effect shortly a happy extermination of those enemies, who, under all colors, have laid waste and com-

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mitted robberies, both upon the high seas and every coast, without respecting any flag.

With respect to the permission you solicit, for landing upon this coast with troops and people in boats, for the purpose of pursuing those pirates, I cannot and must not consent to it. I repeat that the necessary measures have been adopted to defend my territorial jurisdiction, and for the apprehension of every description of outlaws.

All which I communicate in answer to your official letter of yesterday.

God preserve you many years.

NICHOLAS MAHY,
Capt. Gen. of the Island of Cuba.

JAMES BIDDLE, Esq.,
Commanding U. S. ship Macedonian.

Extract from a report of Lieut. Francis H. Gregory, Commander of U. S. schooner Grampus, to Captain James Biddle, commanding the U. S. forces in the West Indies—relating to the capture of the Pancheta, dated

U. S. SCHOONER GRAMPUS,
St. Thomas, August 24, 1822.

"I have the honor to acquaint you, for the information of the Hon. Secretary of the Navy, that I arrived at St. Bartholomews on the second of August; sailed again on the 7th with convoy for St. Thomas. On the morning of the 9th fell in with two Spanish cruisers off Tortola, who demanded permission, and claimed a right to board the convoy, which being peremptorily refused, they hauled off. The same day I arrived at St. Thomas and received from Capt. John Souther, of the schooner Coquette of Georgetown, D. C., the enclosed deposition, having been plundered by those vessels. On the 14th I left St. Thomas, with two valuable vessels, bound to Curaçoa, and on the evening of the 15th saw an hermaphrodite brig, hovering upon our weather quarter, apparently a cruiser—continued my course without regarding her; at day light made her ahead and gave chase; at half past nine, having gained considerably upon her, she hoisted English colors; changed them to Spanish at 10, and fired a gun to windward and at half past 10 hove to, and set a white flag at the fore. On nearing her I perceived her to be the pirate that had fired upon and plundered the Coquette, and therefore considered it my duty to arrest her. At 20 minutes past 11 the Grampus was laid under her lee, within pistol shot, and her surrender demanded as a pirate, which she affected not to understand, and answered me to that import. While repeating the demand, he poured into us a full volley from his small arms and cannon, which was instantly returned, and continued three minutes and a half, when he struck his colors, a complete wreck, having one man killed and six wounded, and in a sinking condition. The boats were despatched instantly to their relief, and it was only owing to the great exertions of Lieut. Voorhies, that she was prevented from going down, having received three shots between wind and water, one of which injured the pumps.

The Grampus received some trifling injury in her sails and rigging, but not a man hurt.

"The captured vessel proved to be the notorious privateer Palmyra, formerly the Pancheta, from Porto Rico; carries one long brass eighteen, and eight eighteen pound carronades, and a crew of eighty-eight men. They acknowledge the robbery of the Coquette, and the only excuse given by the officer is, that they could not prevent those things happening now and then. Several of the plundered articles were found on board."

ST. THOMAS, August 10, 1822.

Personally appeared before us, Captain John Souther, commander, and in part owner of the Schooner Coquette, of Georgetown, D. C. Who, being duly sworn upon the Holy Evangelist of Almighty God, depose and saith: That he is a native born citizen of the United States of America, and that, while on a voyage in said vessel to the West India Islands, and on his passage from St. Bartholomews to St. Thomas, on the morning of the 9th of August, 1822, at 5 A. M. or thereabouts, he was fired at by a sail in chase, upon which, the deponent saith, he immediately hove to. Was boarded by an officer and boat's crew under Venezulian colors; they immediately demanded his papers; after examining them, they commenced searching the vessel, then went into my cabin and searched the berths, chests, &c. They took from the vessel stock, and clothing from the officers and men. The deponent further says, she was an hermaphrodite brig with a red streak, and one long gun amidships and several others, not knowing the exact number.

JOHN SOUTHER.

ATTEST, J. ROHDE,
Captain R. Navy and Harbor Master.

F. H. GREGORY,
Lt. Com. U. S. Navy.

The foregoing deposition of Capt. John Souther having been read before John Peabody, Jr., mate of the Schooner Coquette, John Reynolds, and Henry Sterling, seamen, and they being duly sworn, declare the same to be true.

JOHN PEABODY, Jr.,
JOHN REYNOLDS,
HENRY STERLING.

ATTEST, J. ROHDE,
Captain R. Navy and Harbor Master.

F. H. GREGORY,
Lt. Com. U. S. Navy.

Extract of a letter from Lieutenant Commandant Francis H. Gregory, to the Secretary of the Navy.

"I have the honor to inform you that this vessel, accompanied by the Palmyra, alias Pancheta, was safely anchored in this port on the 12th, after a passage of fifty days from St. Thomas. The Palmyra was captured on the 16th of August to the southward of St. Croix, by the Grampus, after a short action, in which she was principal sufferer, as detailed in my reports to Captain James Biddle,

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Commander of the United States' naval forces cruising in the West Indies. Copies of which have, for your information, already been forwarded to the Department.

"It was my wish and intention, to have entered a more northern port, but light and adverse winds, and the great number of prisoners on board, obliged me to make the nearest port, and that as soon as possible. The prisoners, seventy-six in number, have been safely lodged in jail, committed for piracy. At least one-third of them are of the Sugar Key gang, who have come to Porto Rico for the purpose of covering their villany with Spanish commissions. All the original documents respecting this vessel have been placed in the hands of the United States District Attorney, and the vessel libelled. Several of her own crew have turned informants, and I expect a great scene of villany will be exposed.

"I frequently saw gentlemen from Porto Rico while at St. Thomas's, and was informed that several small privateers were fitted out there, which, if not looked after in time, will certainly commit some very serious depredations upon our commerce, as they are, in reality, nothing but pirates; most of their crew being from the establishments of Cuba, and to their thirst for plunder add a deadly desire of revenge whenever they fall in with a defenceless American."

Extract of a letter from Lieutenant James Ramage, commander of the United States schooner Porpoise, to the Secretary of the Navy, dated St. Thomas, 9th July, 1822.

"Having sailed from St. Bartholomews on the evening of the 6th instant, I fell in, the next morning, with two brigs of war, bearing the Mexican flag. I run down, with our colors flying, between them; and, when opposite to each, received a gun from the one to windward, which was instantly returned from this vessel: shortly after, I received a similar salute from that to leeward, which was promptly replied to—both vessels, on firing, hauled down the Mexican, and hoisted the Spanish national colors. I then ranged alongside the brig to leeward, observing her crew in a state of extreme confusion; they opened an irregular and ill directed fire of grape and musketry, but without any effect. I was in the act of giving orders to return our broadside, when hostilities ceased; and I directed Lieutenant Curtis to board the brig, and examine her papers; they proved to be H. C. Majesty's brigs Palmyra, of fourteen guns, one hundred and thirty men, and G. Boves, of eight guns, and one hundred men, both from Cadiz. The inclosed is a literal copy of a letter addressed me by the senior commanding officer.

"I now hasten to communicate the intelligence received by me at this place, which I believe to be entirely authentic; that several Spanish privateers, of considerable force, have lately been equipped from the island of Porto Rico, for the purpose of capturing all vessels sailing to or from the ports on the coast of Spanish America, in pos-

session of the patriot forces, under the plea that they are violating a system of blockade established by the Government of Spain. These privateers have already made several captures of American and other vessels, which have been carried to remote ports in the island of Porto Rico, and will doubtless be condemned. The injury that will result to the commerce of our country from this system of pretended blockade will be very serious, if not timely checked by an adequate force in this quarter; and, as I have no means of communicating, from hence, with Captain Biddle, I consider it my duty to lay the present information before you."

S. N. B. G. BOVES,

At sea, July 8, 1822.

SIR: I am sorry you will be incommoded with me by friying you this morning, being the case that we thought you were patriots, and we have comission from our government to blockade all the men ports, and happened that must all the vessels from the men hoisted and fight with the American flag, we took you to be one of them.

I hope therefore you will forgived the uncasionally affair.

I remain your sincear, &c

PABLO LLUAGER.

M. RAMAGE, *Capt. U. S. Schooner Porpoise.*

U. S. SCHOONER PORPOISE,

Curacao, July 22, 1822.

SIR: I had the honor to address you on the 9th instant, from the island of St. Thomas, communicating the injuries committed on our commerce by Spanish vessels of war near to Porto Rico, in consequence of their pretended blockade of the coasts of Spanish America. I have now to inform you that the same causes have produced the same effects in this quarter, and that four American vessels have been condemned at Porto Cabello for a breach of blockade. The naval force of Spain in these seas consists of an old forty-four gun frigate, (one of the Russian contract,) a brig and schooner. These are employed in furnishing supplies to Porto Cabello from this island, and yet, with such a force, and so employed, they uphold the monstrous principle of blockading a coast of more than twelve hundred miles in extent. It does not appear that any injury has been committed on our commerce by the vessels of the Colombian Republic.

I have the honor to be, &c.

JAMES RAMAGE.

Hon. SMITH THOMPSON,

Secretary of the Navy.

Extract of a letter from Lieutenant James Ramage, Commander of the United States schooner Porpoise, to Captain James Biddle, commanding the naval forces in the West Indies.

"Under the plea of a breach of blockade, the Spanish squadron in this direction capture all vessels bound to or from ports in possession of the

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Colombian Republic. The naval force of Spain now here consists of an old forty-four gun frigate, the *Ligera*, (one of the Russian contract,) an eighteen gun brig, the *Hercule*, and a schooner; the whole of which are employed supplying Porto Cabello with provisions from Curacao; yet, with such a force, and so employed, they uphold the monstrous principle of blockading a line of coast of more than twelve hundred miles in extent."

Copy of a letter to Captain Laborde, commanding His Catholic Majesty's frigate Ligera.

U. S. SCHOONER PORPOISE,
St. Ann, Curacao, July 21, 1822.

SIR: I have received from the master of the American schooner Antelope a communication, of which a copy is herewith transmitted to you. From this statement it appears that a very serious injury has been done by you to the rights and property of citizens of the United States, by the capture and subsequent condemnation of an American vessel and cargo pursuing a lawful commerce; but it is hoped that more just reasons will be exhibited on your part for the course pursued, than those stated in the communication referred to.

I have received information that the American vessels named underneath have been carried into Porto Cabello, and there condemned, under the pretext of a breach of blockade of the coast and harbors of the Spanish Main. In consequence thereof, it becomes my duty to demand from you the release of all vessels and property so seized, and further to state, that the United States cannot recognise such a system of blockade, to the manifest injury of their commerce, where the force of Spain is so evidently inadequate to its fulfilment.

I am, &c. JAMES RAMAGE.

To Captain LABORDE,
Comd'g H. C. M. Frigate *Ligera*, Curacao.
American brig Calypso of New York,
Rising States of New York,
schooner Union of Salem.

Statement of Arthur Edgarton, mate of the brig General Andrew Jackson.

Arthur Edgarton, mate of the brig General Andrew Jackson, taken by the privateer General Pereira, on the 22d July, as high as he can remember, the log book being taken from him—Captain Langdon and the cook were sent in the brig to Ponce, and the mate and men were taken on board the privateer, having been robbed of every article of clothing, except what they had at the time on their backs. The men had recently left the United States, and had each a new suit of good clothes, many of which, can, at most hours, be seen at this place, worn by the crew of the privateer in public. Except being robbed of clothing, knives, razors, &c., were well treated on board the privateer, where they remained about seventeen days—were then put into the Puntilla (prison) without food, until the afternoon of the third day. The keeper of the prison, observing the wants of these men, sent word to the captain

of the privateer, "That he must furnish them daily with food, or he would be punished;" which was complied with.

Captain Spence to the Secretary of the Navy, transmitting correspondence with the Governor of Porto Rico, marked A. to G. inclusive.

UNITED STATES SHIP CYANE,
St. Johns, Porto Rico, Sept. 3d, 1822.

SIR: After a passage of twenty-five days from the Chesapeake, during which we experienced an alternation of calms and head winds, I anchored in this harbor. I found no small excitement existing, produced by the capture of the *Pancheta*. The presence of a ship of our force was perhaps seasonable; and possibly may have been the means of preventing unpleasant consequences to the Americans here. Before I could enter upon the business specially delegated, I was informed of the imprisonment of several citizens of the United States, taken from the brig General Jackson, captured and sent into Ponce. As no American ought to be restrained of his liberty, in any quarter of the world, one hour, without just cause, I addressed his Excellency Don Francisco Gonzalez de Linarez, demanding their release. My letter, marked A, is herewith transmitted. The men being liberated, I felt myself at liberty to enter upon the execution of my instructions, and immediately addressed him upon the subject of the capture of American vessels by privateers out of the Island of Porto Rico. A copy of my letter, marked B, is herewith enclosed. On the 27th ultimo, I addressed to his Excellency letter C, annexing memorandum No. 1, being a list of vessels sent into the different ports of the island, for adjudication. On the 28th I received from his Excellency a reply to my representations, which is herewith transmitted, with other subsequent communications from him. I then addressed to him letter D, with copies of the accompanying documents, 2, 3, and 4.

Some of the circumstances of the capture of the *Pancheta* being known, for the purpose of preventing the ill effects of distorted and prejudiced representations, and to allay the sensations of which his Excellency speaks, I addressed to him, on that subject, letter marked E. Receiving several reiterative communications, of which I obtained but very imperfect translations, I replied with letter marked F, and came to the consummation of the duty confided to me in letter G, and I trust, in the declarations there made, I have neither gone beyond the letter nor spirit of my instructions; having been influenced, throughout the whole correspondence, by a strong desire to discharge a delicate trust with becoming graciousness; and, while making known the sentiments of the American people, and the determination of my Government, to conciliate, by a friendly style and manner, the good feelings of those in authority, all of whom are men of high standing, and justly estimable. I hope my remarks on the laws of blockade will be considered by yourself and the President pertinent and proper. I believe I con-

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ceived your views on that subject. It cannot, however, be expected that an officer who embarked at the age of eleven on an element where the accomplishments of a scholar are not required, should shine in a correspondence of a diplomatic cast; especially when depending wholly on his own feeble capacity. What I have written on this occasion, has been with a heart glowing with American feelings, with an enthusiastic admiration for our laws, institutions, and great men; if, therefore, a little egotism should occasionally appear, I plead this in extenuation.

The hospitality of the port has been freely and fully extended to my ship, and the personal attentions of those in authority have been gratifying to me and my officers. To a system of privateering they are opposed; and the Governor will do all in his power to discourage its continuance. Indemnification for the past, I fear, we shall have to look for to the treasury of Spain.

I shall be active in attending to every thing in which the interest of our commerce is concerned; and shall endeavor to sustain the American character by a manner gentle, yet firm—taking on myself no responsibility, keeping constantly in eye the reciprocal rights of nations, and your instructions.

I have the honor, &c.

ROBERT TRAIL SPENCE.

P. S. I shall leave these seas the last of October for Africa.

Hon. SMITH THOMPSON,
Secretary of the Navy, Washington.

A.

U. S. SHIP CYANE, ST. JOHN'S,
PORTO RICO, August 26, 1822.

SIR: Instructed to proceed to Porto Rico, to communicate with your Excellency in relation to the infringement of American rights, by vessels fitted out of different ports of this island, I had scarcely anchored with this ship, ere I learned that several citizens of the United States (after experiencing the most brutal treatment from a gang of desperadoes belonging to an armed schooner now in, and said to be of this place) have been imprisoned, and are at present in confinement.

These American citizens I understand were taken from the brig Andrew Jackson, while peaceably pursuing their vocation on the high seas, under the flag of the United States.

So gross a violation of the usages of all civilized nations is calculated to excite universal abhorrence, and the just indignation I am persuaded your Excellency must feel on being informed of such an atrocious act, renders it only necessary that it should come to the knowledge of your Excellency, to cause the immediate release of said citizens, and the prompt and salutary punishment of those violators of the laws of nations and humanity.

With the most perfect consideration, &c.

ROBERT T. SPENCE.

His Exc'y F. G. DE LINAREZ,
Governor of Porto Rico.

U. S. SHIP CYANE, ST. JOHN'S,
PORTO RICO, August 27, 1822.

SIR: I am directed to call the attention of your Excellency to the capture and detention, by privateers fitted out from this island, of several American merchant vessels, while pursuing a lawful commerce during a time when the United States enjoy profound peace with all nations.

Your Excellency will readily perceive that under such circumstances, the violation of American rights here complained of, calls for a speedy interposition of justice and authority. Justice, that a restitution of these captures may be made, and authority to prevent a repetition of similar outrages.

I will as soon as possible transmit to your Excellency the names of the vessels to which this complaint refers, with a statement of the circumstances attending their capture; confidently believing that your Excellency will adopt, as early as possible, such measures as shall, in your wisdom, be deemed sufficient to arrest these depredations, which, in some cases, can be viewed in no other light than piratical.

The flag of the United States, floating in every ocean, guaranties protection to all who lawfully sail under it—the invasion of rights identified with this flag, it would neither be honorable, wise, nor expedient to permit, and that trade to which, as a neutral, the United States have claim uninterruptedly to pursue, cannot be molested.

The American commerce, second to none for magnitude, enterprise, and fair dealing, must, to insure a continuance of these constituent features, be preserved inviolate; and the protection necessary to effect this object, the Government of the United States is determined to afford, whether in the seas of the Mediterranean, Pacific, or Caribbean, where outrages, tending to degrade the flag under which they are committed, are daily occurring; these, as far as they shall come under the cognizance of your Excellency, I am persuaded will be restrained and prevented.

The amicable and friendly footing, on which Spain and the United States are at this time, convinces me, that nothing more than a proper representation of these facts is required to call the subject-matter to the immediate attention of your Excellency. Fully believing this,

I have the honor to remain, &c.

ROBERT T. SPENCE.

His Exc'y DON F. G. DE LINAREZ,
Governor of Porto Rico.

C.

UNITED STATES SHIP CYANE,
St. John's, Porto Rico, Aug. 28, 1822.

SIR: Having informed your Excellency that I have been instructed to proceed to this place, to communicate with your Excellency on the subject of captures, made by privateers fitted out of this Island, of American vessels, while pursuing, in time of peace, a lawful trade, I now have the honor to transmit a memorandum, embracing the

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names of these vessels, and the circumstances attending their seizure.

It appears that some of the vessels have been sent in, and after a grievous detention, declared to be a "bad prize," subject, however, to pay all the costs of suit, and one-third of the expenses of the privateer.

To one as profound in all matters of law and equity as your Excellency, this must appear a strange proceeding; a proceeding, calling, with much emphasis, for the interposition of your Excellency's authority, to remedy evils bearing a character calculated to diminish the high respect heretofore entertained by the world, for the equitable decisions of the Spanish courts.

A pretended violation of blockade, it appears, is the pretext for sending into the ports of this Island, vessels navigating the sea under the American flag. The whole, therefore, may be resolved into two descriptions of cases: The first, comprising vessels seized and again released as "bad prizes," paying the whole of the costs of trial, and a portion of the expenses of the privateer.

The principles of equity applicable to such cases are too simple to require exposition. The innocent are not to pay the penalty of another's guilt or imprudence. If an American is interrupted in her voyage, captured and vexatiously detained, until a judicial investigation determines her to be a "bad prize," it seems to me self-evident, that all costs of the suit should be paid by the captors, in whom the wrong is; add to this, that proper damages should be levied on the aggressor, that the sufferer may be fairly indemnified, and the "privateersman" be restrained in future by a fear of being, in all similar cases, called upon to make good the injury resulting from his wantonness; without such a check, what is there to limit the mischief done by men of this order, who, stealing from their dens and lurking places, pollute the ocean with the blood of defenceless sailors, and gorge their cupidity with the spoils of plunder and ravage?

The good of every nation, and the honor of some, require that so foul a system should be made to cease, that every navigable sea may be rendered safe to the honest efforts of enterprise.

The second description of cases to which I wish to call the immediate attention of your Excellency, are those vessels sent in under a pretext of attempting to enter a blockaded port. The pacific policy uniformly pursued by the Government of the United States, the just and liberal principles by which it has been governed through all its various struggles, to treat all nations as friends, and, especially, to be on the most friendly footing with Spain, entitle the citizens of America to the privilege of navigating the seas without molestation, on pretexts so flimsy as those of violating a "blockade" which has never existed *de facto*.

It is well understood, that a blockade to carry with it the penalty of forfeiture, must be conformable to the established opinions of those distinguished civilians who have fully and ably expounded this subject.

In the first place it must be practicable; it must be defined within limits commensurate with the ability; a stationary force must intervene; the vessel entering must be warned off; these, and other qualifications, are essential to constitute a blockade, as now understood by the President of the United States and other great statesmen. If, then, such is the form and nature of a blockade; if the constant presence of a stationary squadron, adequate to the purpose of intercepting all vessels, is indispensable; how is it, that a whole coast, without any definite limit, should be under the ban of interdiction, without any visible force; consequently, without the first requisite of a blockade?

While such pretexts for spoliation exist, and the commerce of the United States is thus devastated, the relations of love and friendship now existing between the two nations must be shaken, and a state of things produced such as I am persuaded your Excellency will feel desirous to avert.

I trust I shall be excused these remarks, made to one by whom the principles of "blockade" are fully understood, and whose experience is such as to render the application of them in all cases just and proper.

It will readily occur to the wisdom and justice of your Excellency that injuries sustained by American citizens from illegal seizure and detention, carry with them a fair claim to indemnity; and that where there has been a manifest partiality in the courts deciding on some of the cases presented for your consideration, that the arm of authority should be extended to remedy, and to require more equitable decisions. In these cases it is *hoped* and *expected* that your Excellency will direct a revival of the proceedings of subordinate tribunals, that such of the citizens of the United States as have suffered by them may be immediately made whole in their property, and receive damages for unjustifiable detention.

Your Excellency, influenced by high and honorable motives, will doubtless see the propriety of ordering all American vessels now detained to be *forthwith released*, and the punishment of marauders who have tarnished the dignity of the Spanish character by acts of inhuman treatment to citizens of the United States; by the most flagrant outrages; by a prostration of all the usages of civilized society; thereby bringing the commercial world into a state truly to be deplored, tending to arm man against his brother man, and to make safety no where but in strength and habitual hostility.

Submitting this application to the early attention of your Excellency, and calling upon your Excellency immediately to interpose your authority to prevent a continuance of these causes of just complaint, and confidently believing that your love of justice, order, and humanity, will impel you promptly to meet the wishes of my Government on this subject,

I remain, with the most perfect consideration, your obedient servant,

ROBERT T. SPENCE.

His Exc'y Don F. G. DE LINAREZ,
Governor of Porto Rico.

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List of American vessels captured by Spanish privateers, and sent into the different ports of Porto Rico.

Bark American, Emery master, of Kennebunk. This vessel was sent into Cape Roxo by the Spanish felucca La Carmen, tried, and declared to be a bad prize, but sentenced to pay all costs of the trial, and one-third of the charges of the privateer for her detention; and was compelled, in consequence, to sell her cargo at a great sacrifice.

Brig Sam, of Portland, Crowell master. This vessel was sent into Cape Roxo by the same privateer, and it is understood that she is still detained.

Brig Bliss, of Baltimore, Dungan master. This vessel was sent into Cape Roxo by the same privateer, and after a vexatious detention was suffered to proceed, paying all the costs of trial, and one-third of the expenses of the privateer.

Brig Elizabeth, of Georgetown, West master. This vessel was sent into Aguadella by the privateer General Pereira, for trading to a blockaded port.

Brig General Jackson, of New York, Langdon master, captured and sent into Ponce by the schooner General Pereira, at which place she is now detained, and part of her crew, after very inhuman treatment, imprisoned at this place.

D.

UNITED STATES SHIP CYANE,
St. John's, Porto Rico, August 29, 1822.

SIR: I have the honor to acknowledge the receipt of your Excellency's letter of the 27th inst., (a translation I have but this moment been able to obtain,) in which you refer me to a communication made to Mr. Lord, the commercial agent, in reply to an application made the day previous to my arrival, for the release of the crew of the brig Andrew Jackson. The sentiments and expressions of your Excellency in relation to this outrage are duly appreciated. I felt persuaded that the harsh and illegal imprisonment of unoffending American citizens could not have come to the knowledge of your Excellency; and there are other outrages of similar character not yet known, I am convinced, to the high authorities of Porto Rico.

I beg leave to enclose you a copy of a letter from the Government interpreter at Ponce, into which place the brig Andrew Jackson was taken. This is a representation from a Spanish functionary, and your Excellency, I doubt not, will agree with me that, if the facts there stated are true, there is no other application by which I could designate the perpetrators of such inhuman severity, save that of "desperadoes;" men restrained by none of the gentle obligations of humanity.

It is a fact, notoriously known, that the crew of the "Andrew Jackson," illegally and harshly confined at the time of my writing to you, had been previously robbed of every thing, save the clothes they had on at the time of entering the prison; their jack-knives were even cut from their laniards! If to men who can thus act—who can divest a defenceless "American tar" of every thing,

even to his wearing apparel—I could apply any other distinguishing name than that of "robber," I confess to your Excellency I should have selected a milder epithet.

A glance at the history of the past displays, in the Spanish character, the principles and high sentiments of which you speak; the island before us bears full testimony of their enterprise and greatness. It was to those sentiments and principles I appealed, when I requested your early attention to proceedings calculated to sully that dignity of which every Spaniard is justly proud.

The capture of the Pancheta by a vessel of war of the United States, was entirely unknown to me on my arrival at St. John's; but I can confidently assure your Excellency, that you have been misinformed as to some of the circumstances attending it. I have understood that the privateer Pancheta has been of considerable annoyance to our commerce in these seas, and that, falling in with the United States schooner Grampus, fired into her. The consequences that would result from such an act may be conceived by your Excellency.

The instructions given to officers of the American Navy are such as to render it impossible that they can be the aggressors; and the feelings that have characterized them will always insure, in these unhappy rencontres, humanity and tenderness.

Vessels have formerly been sent into the ports of the United States on apparent good grounds, such as attempts on our commerce; but, in all instances in which cause for condemnation did not appear, heavy damages were awarded, and the sufferers made more than whole in their property—retribution is there always at hand.

In the case of the Pancheta, I beg leave to assure your Excellency there must have been great cause for the course pursued. As to the indignity offered to the flag, your Excellency, I trust, is misinformed, for no officer in the Navy dare stand before the tribunal of the American people, justly charged with having violated the best constituents of the American character—magnanimity and knightly generosity.

This unfortunate occurrence has grown out of the necessity of sending an armed force to these seas, for the purpose of convoying our vessels, and of guarding them against the violence that has been committed upon them by privateers infesting the ocean for the purpose of plunder. If, in the execution of this duty, rendered necessary by the state of things, calamities unavoidably occur, they must, doubtless, be deplored by the lovers of peace and concord, but cannot be chargeable to us as voluntary acts.

It is an indisputable fact, although not known to your Excellency, that the captain's and mate's trunks of the American brig Sam, captured and taken into Cape Roxo, were broken open, while himself and crew were on board the privateer, and four hundred and twenty Spanish dollars taken from them; also one trunk of Madras handkerchiefs and other merchandise. These are transactions unknown to your Excellency, having taken place prior to your Excellency's arrival; they are

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the acts of privateersmen, from which it would be absurd to infer the character of a wise and liberal nation, like that of Spain.

Seeing the evils that result from the course pursued by privateers out of this island, I call upon your Excellency, in the name of humanity, and of that benign policy which has marked the course of our political career, to place such checks and restraints upon their proceedings as will, in future, secure the American commerce from interruption, and those vexatious seizures, of which the citizens of the United States justly complain.

These complaints, resting on the foundation of wrongs of an aggravated nature, which cannot be justified by any previous aggressions of American citizens, convinces me that they will not be sanctioned by one of your Excellency's liberal and comprehensive views.

Confident of this, I feel much satisfaction in complying with that part of my instructions which requires me to learn from your Excellency how far privateers fitted out of this island are authorized to capture and bring in for adjudication the vessels of the United States pursuing a lawful commerce. Information on this head will serve to explain fully the footing on which our maritime relations rest in this quarter.

Be pleased to accept my best wishes for the health and happiness of your Excellency, and believe me, with the most perfect consideration, your Excellency's obedient servant,

ROBERT T. SPENCE,
Captain U. S. Navy.

P. S. I also enclose a copy of a letter from the master of the brig General Andrew Jackson, relative to his treatment from the crew of the Spanish privateer General Pereira.

His Ex'cy Don F. G. DE LINAREZ,
Governor of Porto Rico.

UNITED STATES SHIP CYANE,
St. John's, P. R., Aug. 30, 1822.

SIR: Since the receipt of your letter, alluding to the capture of the Pancheta, some of the circumstances attending it have come to my knowledge.

It appears that this privateer has been, for a considerable time, engaged in intercepting our vessels—frequently boarding them—and exercising an intolerable inquisition—vexations of themselves, sufficient to call for a remedy, but would not have occasioned any offensive measures on the part of American cruisers. The instructions given to our commanders, confine their discretionary powers within limits too circumscribed, to admit of their being led to an act of indiscretion. They are imperatively commanded to do nothing that can tend to interrupt the harmony existing between the United States and other Powers, whose maritime rights have ever been respected, and never designedly infringed.

The immediate cause of the Pancheta's capture was, her having been guilty of several recent acts of plunder; and her having, but a short while,

previously to her "mishap," taken a number of articles from an American trader, to which the captain and crew made oath. If these facts are as represented, and I am induced to think they will be incontrovertibly established, they certainly must be denominated acts of piracy committed upon the citizens of the United States, who have been made to suffer, in their property and feelings, by these and similar outrages. Add to these causes, on being hailed she fired into the United States schooner Grampus! What armed vessel could expect to fire at an American ship of war with impunity!

These circumstances, when the affair shall be judicially investigated, I am inclined to think, will be found substantially correct; if otherwise, there is an equity in the Government and laws of the United States that never was appealed to in vain. There is a sentiment of honor and generosity "in the American people that will sustain the injured, be he friend or foe, that will redress wrongs with "even-handed justice."

I have deemed it proper to make this statement, with a view to allay the sensations of which your Excellency speaks, as having been excited by this transaction; sensations I have had occasion myself to experience, with the additional aggravation of knowing that the authors of them, lurking in obscurity, were sheltered from personal amenability, while, in the present case, your Excellency must feel an assurance, that the standing of the active officer in command of the Grampus, as well as the magnitude of the affair, are such as to pass them in review of the whole American people, a never-erring ordeal; that laws, and not individuals, will decide as to the criminality of the cruise of the Pancheta, and will determine how far that officer was justifiable in arresting her predatory excursions.

American cruisers have been sent to these seas to protect our trade. There had existed a crying cause—the means of mischief were accumulating; impunity had produced audacity; and the ocean washing the shores of these islands, which the interest of the world requires should be unprofaned by the path of the plunderer, had become the theatre of outrage and rapine. American citizens had suffered in their property and sacred persons. To remedy these evils, our officers will be active, vigilant, and unwearied; producing by their conduct a conviction that when acts are perpetrated, such as the Pancheta is charged with having committed, there is no escape. There must be safety in peace, or its best objects are defeated; there must be security on the great "thoroughfare" of all nations, otherwise its best purposes are perverted.

Persuaded that your Excellency will not consider this as unreasonable, and that you will see the consequences I have pointed out as the inevitable result of causes herein set forth, I remain, &c.

ROBERT T. SPENCE,
Captain in the Navy.

His Ex'cy Don F. G. DE LINAREZ,
Governor of Porto Rico, &c.

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U. S. SHIP CYANE,
St. John's, (P. R.), Sept. 1, 1822.

SIR: Your letters of the 28th and 31st ultimo, in answer to several communications from me, have been duly received—translations of which I have but this moment been able to obtain.

In relation to the capture of the *Pancheta*, I beg permission to repeat that it must be considered as a disaster growing out of the unjustifiable conduct of her crew, and as one of the retributive results of an abuse of her cruising license.

We require that our lawful commerce shall be unmolested; that our vessels shall not, from frivolous causes, and on pretexts, of which every privateersman constitutes himself a judge, be intercepted, and subjected to inquisitorial scrutiny, and American citizens made to incur intolerable inconvenience and expense. Evils like these have a remedy, which the most forbearing would not expect should remain dormant.

I am convinced your Excellency has been incorrectly informed as to the treatment of the crew of the *Pancheta*, which you represent as cruel and unnecessarily harsh. The officer commanding the schooner *Grampus* is well known for his humane feelings, and I am persuaded that all practicable and proper mildness was exercised on the occasion.

It is not to a discussion of the laws and principles of "blockade" that I am desirous of calling your Excellency's attention; they are settled and established by the concurrent opinion of the wisest statesmen, and are no longer doubtful. "Blockade" is not a mystical arcanum; it involves certain practical rules easily explained, and I am persuaded well and fully understood by your Excellency.

It was to invite a just application of these principles, according to the acknowledged usages of the age, that I was led to present the subject to your Excellency's attention; thereby to prevent the seizure of our vessels, and to do away a pretext, often alleged, for sending them in for adjudication.

It was presumed that your Excellency's powers extended to the correction of evils existing within the range of your authority; that you had the means of checking the licentiousness of privateering; and that, seeing the pernicious effects of it, would feel every disposition to shield the commerce of the United States, by the interposition of reasonable restraints.

While I feel confident that your Excellency will adopt, with promptitude, measures calculated to ascertain the extent of the grievances set forth in my communication of the 28th ultimo, I must beg leave again to repeat the expression of my hope and expectation that you will cause all American vessels now illegally detained in the ports of this island forthwith to be released, and equitable damages awarded such of the citizens of the United States as have suffered, either in property or person.

The well-known character of your Excellency for wisdom and justice inclines me to believe that these expectations will appear reasonable and

right, and that they will be fully and satisfactorily realized by your Excellency's obedient servant,

ROBERT T. SPENCE,
Captain in the Navy.

His Ex'cy Don F. G. DE LINAREZ,
Governor of Porto Rico, &c.

G.

U. S. SHIP CYANE,
St. John's, Porto Rico, Sept. 3, 1822.

SIR: I have had the honor to receive several communications from your Excellency, in reply to letters addressed to you on subjects of very considerable moment.

Your professions of respect for the laws of nations, and your determination of making them, and the laws of the "constitutional monarchy of Spain," your guides; and the intention you express of inquiring into the matters set forth in my official representations, &c., are all properly appreciated, and will, doubtless, prove highly efficacious. The laws of Spain, no doubt, are all which the accumulated experience of ages, and the united wisdom of sage men, can make them; and, if administered by one of your Excellency's impartiality, would, I am persuaded, afford no good cause of complaint.

I had the honor, a few days since, to present for the consideration of your Excellency, some of the proceedings and decisions of the constituted tribunals of the island—whether such are just or legal, your Excellency can decide—to me they seem novel and extraordinary; and, with a knowledge of some of the minor circumstances attending those vexatious trials, I cannot refrain from saying they appear strange.

I am sure your Excellency will deem it due to the dignity of the "constitutional monarchy" you represent, to cause American citizens to be indemnified for the loss sustained by such adjudications as your Excellency has been invited to investigate. It is but right and just to expect this of the laws of Spain; and while I indulge a belief that such will be the course pursued, I am led to call your attention to the policy of doing away all future occasion for dissatisfaction, by rendering the owners or captains of the privateers out of Porto Rico more accountable.

In my letter of the 29th ultimo, I requested that your Excellency would do me the honor to state how far these privateers are authorized by the authorities of the island to capture and bring in for adjudication vessels of the United States engaged in the pursuit of a lawful commerce. This information your Excellency has not thought proper to afford.

From the facility with which these small privateers are fitted out, and from the description of persons on board some of them, it has occurred to me, that they are not made to enter into penal bond, to restrain and produce responsibility for the excesses they may commit, but are left to cruise "*ad libitum*." Under such circumstances transgressions are inevitable.

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It is against the aggressions of such vessels I remonstrate—protesting against the improper privilege they have exercised, of intercepting and detaining, on the high seas, vessels of the United States engaged in a lawful trade. And it becomes necessary for me to inform your Excellency, and wish it should be known to all whom it may concern, that, with a view to prevent, as far as practicable, a state of things fraught with mischief and abuse; to guard against a maritime anarchy, to which the commerce of the United States cannot be subjected; to secure to its citizens safety, and to its flag the benefits of peace and neutrality; and to preserve the harmony my Government is desirous should exist between the two nations; I shall, as far as possible, give convoy to American vessels navigating these seas, and shall forbid and prevent any interruption or detention by any privateer or armed vessel, and shall feel it incumbent on me to treat as an enemy, and send to the United States, any privateer or armed vessel that shall cause hindrance to the lawful voyage of an American vessel, or shall be found violating the flag of the United States and the laws of nations.

Satisfied that your Excellency will look upon this course of conduct as moderate and unavoidable, I remain your Excellency's very obedient servant,

ROBERT T. SPENCE,
Captain in the Navy.

His Exc'y DON F. G. DE LINAREZ,
Governor of Porto Rico.

No. 1.

Don F. G. de Linarez to Captain Spence.

SIR: On the receipt of your official letter, informing me, generally, of the depredations and excesses committed by the Spanish privateers of this island, upon the vessels of the United States, as I was informed, and in particular, upon the brigantine General Andrew Jackson, by the Pereira, I resolved to take the first care with respect to the last, by the information of an individual of that nation, Mr. Judah Lord.

My answers to this gentleman showed him my surprise, and the just indignation which so unlawful a transgression of the law of nations had excited in this Government; the precautions which it took to prove its truth; and the justice which animated it to punish the crime with all the rigor of the Spanish laws—laws capable of themselves of what he, on his part, can desire.

The same, therefore, that I said to Mr. Lord, I repeat to you—animated with the same principles and sentiments which govern the conduct of the supreme Government of the Spanish nation, and which form its character, acknowledged by all the nations of the earth.

But I am certain that you have not been well informed regarding the destruction and spoiliations generally committed upon all American vessels. I have the most repeated proofs of the regular conduct of the Spanish privateers towards these vessels, which they have examined and respected

in very considerable numbers, showing to the world that they are not desperadoes, because they know not what it means, nor thieves because they are Spaniards.

Would to God that some vessels of the military marine of the United States had observed towards Spanish vessels, and towards the national military flag, a conduct so regular! I am certain that then there would not have been the disagreeable sensations which now exist from it.

When I speak to you, sir, in this manner, I do it with respect to the scandalous attack made by the United States schooner of war, the Grampus, upon the Spanish privateer the Palmyra, which she attacked in the midst of peace, killed and wounded several of her crew, treated with indignity the Spanish flag, confined in chains the greater part of her crew, and that at the very moment when an officer was about going on board of her to present her papers, and to comply with the law of nations.

You will perhaps be informed of this attack, seldom seen in the history of civilized nations; and no doubt if you have been so with truth, as I am, you will have had the same horror and disgust; because it is impossible otherwise to consider the most sacred conventions trampled upon, and the majesty of a nation insulted; of a nation which has always preserved her rights, and which, oftener than once, has given public proofs of her constancy, and of her never having been offended with impunity.

For my part, with respect to this event, I do nothing else but point it out to you as a particular piece of news, because its decision belongs to the supreme Government of both nations. As a functionary of mine, I will not depart from the path which it has pointed out to me; justice shall always be my guide. I shall respect the laws of nations; and I shall punish, with the laws in my hand, such Spanish subjects as shall transgress their duties.

God preserve you many years.

FR. GONZ. DE LINAREZ.

PORTO RICO, August 27, 1822.

No. 2.

Don Francisco Gonzales de Linarez to Captain Spence.

PORTO RICO, August 28, 1822.

SIR: I have just seen your official letter of yesterday, relative to the depredations which are said to have been committed by Spanish privateers against the vessels of the United States.

As this communication is substantially the same as the former, it appears only necessary to repeat my yesterday's answer; but, wishing to give you new proofs of the justice and good faith of the Spanish government, I will enter into new explanations.

I am persuaded that the armed privateers of this island have not committed, upon the vessels of the United States, the scandalous crimes with which your personal concern has been raised, or a mistake has entered into your mind. They have

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been examined by many, and have, without the least injury, continued their voyages; and doubtless, in a short time, you will be convinced of a truth so notorious.

I only speak of the privateers armed in this island, and am very far from making an apology for those that have been armed in other provinces, because I am ignorant of their conduct; and although it may have been criminal in this manner, it belongs not to my authority to punish them.

But if it is very strange that, even when there were some trifling excesses, energetical remonstrances were made for them; and the attack of the American schooner *Grampus* has been passed over in silence, or considered as a circumstance of no moment, in which the particular circumstance occurred of her belonging to the Navy of the United States; what comparison can ever exist between the detention of a vessel, and even committing some pitiful and contemptible depredation (if such has been done) and the attack of the other, to destroy her in a perfidious manner, to cause the death, and imprisonment of the crews in chains; and what is more, insulting and trampling upon the Spanish military flag! Who ever so openly violated the maritime law of nations? And who, after such a violation, will attempt to declaim against injuries either imaginary or immensely less!

In fine, the peace between two nations, as Spain and that to which you belong, sir, is a blessing for the preservation of which I am ready to become a sacrifice; therefore I do not hesitate to assure you that the laws will be enforced in as far as they have been transgressed; and therefore I consider myself entitled to require the same frankness and consideration from you, notwithstanding my having explained myself so rudely; because our respective Governments will do what they think proper, and will do what is most just for the well being of their people.

God preserve you many years.

FR. GONZ. DE LINAREZ.

No. 3.

Don Francisco Gonzalez de Linarez to Captain Spence.

PORTO RICO, August 31, 1822.

SIR: I have the honor to answer the note which you were pleased to address to me, under date of 28th instant, relative to the indemnification which ought to be made to the American vessels detained by privateers of this island, and condemned to pay costs, after being declared innocent by the courts of justice; and, also, relative to the nullity and illegality of the blockade declared against the ports of Terra Firma, for the reasons which you are pleased to give as your opinion.

The principles established by the maritime law of civilized nations are not unknown to me, nor the causes which have influenced the declaration of blockade against the ports occupied by the insurgents; nor even the maritime military force by which this declaration can be, and has been, supported; yet, as, on one hand, my authority being

circumscribed to a province, at a distance from those places, has no influence, nor can have, in any official acts; and, on the other, subjects of this nature belong, by their character, to the examination and decision of the supreme governments of the nations, it is my duty to avoid all interference in them, and to confine myself to the circle of my functions.

I have before me the note which you were pleased to enclose to me in your said official letter, containing the vessels detained, with the circumstances in which they have been, and the consequences which have ensued. I owe it to the justice, to the unalterableness of my principles, and to the rectitude of the Government which I represent, to declare to you, that I shall take all the provisions within my power to elicit the truth of what has occurred with respect to the detained vessels, repeating, that you may rest assured, that the laws of the kingdom shall judge and decide upon them, without the possibility of any alteration in their legitimate application. Neither partiality nor personal interest, nor the passions, shall have any voice, or take any part in the decisions; the law shall dictate, and all (I the first) shall submit to it.

God preserve you many years.

F. G. DE LINAREZ.

No. 4.

Don Francisco Gonzalez de Linarez to Captain Spence.

SIR: I have just received the translation of your official note of the 29th ult., and which is an answer to mine of the 27th, containing, also, the former acknowledgment of the letter of the interpreter de Ponce, which was communicated to me by Mr. Lord, a citizen of the United States; and now recently of the declaration of Mr. Arthur Edgerton, mate of the brig *Andrew Jackson*, in which I have had the pleasure of reading that he and his companions, detained on board the privateer, had been well treated.

You will be pleased, sir, to let me know the things which have been plundered from the detained vessel, and claim the damages which have ensued on her detention. I have taken all the measures which were in my power, for eliciting the truth of the facts, in the manner provided by the laws; and when, according to them, the delinquents are tried and convicted, they shall be punished—then the tribunals established by the constitutional law of the monarchy will take cognizance, to which the power of judging and applying the laws is exclusively granted—principles from which it is impossible for me to deviate, as it is with respect to those which rule in the United States, for any functionary to deviate from them.

You may rest assured, that, if the authorities appointed there to try crimes of this class, are inexorable in their conduct, admitting nothing but law and justice, those which are in the territory of the constitutional monarchy of Spain, summoned for that purpose, will never yield in their principles of justice, and in the fulfilment of their

Suppression of Piracy.

duties. To them it belongs to try by the laws, and to apply them, and to the political government of the people to enforce the execution of the legal decisions of the judicial power, and to watch over the observance of the laws, by taking care that no one break them.

God preserve you many years.

F. G. DE LINAREZ.

PORTO RICO, Sept. 1, 1822.

No. 5.

Don Francisco Gonzalez de Linarez to Captain Spence.

SIR: Your official note of the 30th ult. has informed me of the intelligence which has reached you of the motives which the schooner *Grampus* had for the hard and unexpected treatment of the Spanish privateer the *Palmyra*.

My former communications have shown you what my principles are, and what my conduct has been in this matter, as a faithful observer of the fundamental laws of the Spanish monarchy. The truth of what has happened in that capture will be the result of a legal investigation, in which sinister informations, which partiality or personal interest often dictate, have no part. When that shall have been elucidated in the way which the laws require, our supreme governments will decide with justice what is proper.

God preserve you many years.

FR. G. DE LINAREZ.

PORTO RICO, Sept. 2, 1822.

Don Francisco Gonzalez to Captain Spence.

SIR: I have the honor to answer your official note of the 1st instant. Its object is—1st. The good conduct of the schooner *Grampus* in the capture of the *Pancheta*; 2d. The necessity under which the Government is of putting a stop to the operations and irregular conduct of the privateers towards American vessels; 3d. To procure the immediate liberation of those that may have been detained in the ports; 4th. Prompt indemnification for the losses they have sustained.

On making the enumeration of these matters, I must call your attention to my former answers, because they have already been treated of in them implicitly and explicitly. Notwithstanding, I will repeat to you that the decision upon the justice or injustice, the validity or invalidity, the legality or illegality, of the blockade of the coast of *Terra Firma*, is beyond my authority; that the privateers are informed by the ordinances of their cruise of their respective obligations, for the transgression of which they will be responsible, and punished by the laws, in the same manner as in similar cases the privateers of the United States would be by the justice of the Government, if they should transgress the limits which should be prescribed to them, but without this transgression they should not be responsible; lastly, that, by the political constitution of the Spanish Monarchy, the functions of the judicial power are clearly designated, the Government being totally prohibited from being joined with them; and one of the great props

of civil liberty consisting in this clear separation. To preserve interior tranquillity and security; to procure public prosperity; to maintain established order; to watch over the observance of the laws; to publish them; to cause the execution of the decisions of the courts of justice, to be in all its parts an agent of the Government—here, sir, you may see the circle of my functions.

God preserve you many years.

FR. G. DE LINAREZ.

PORTO RICO, Sept. 9, 1822.

Extract of a letter from Captain Robert T. Spence, commander of the United States ship Cyane, to the Secretary of the Navy, dated St. John's, Porto Rico, September 5th, 1822.

"Since my letter of the 3d instant, transmitting my correspondence, I have had a conversation with the Governor, who begs me to be assured, that all he can do, shall be done to meet my wishes, in relation to the privateers fitted out of the Island; that those already out were equipped before he assumed the Government; that he is opposed to it, both in his private and public capacity; that future restraints shall be placed upon them; and that he will remedy all abuses, as far as he has the power. That the brig *Andrew Jackson* he had ordered to be set at liberty; that he should inquire into the cause of her detention, and, unless good and sufficient reasons can be given, he will take steps to cause the judge to be removed. In fine, that he will do his utmost to keep the laws of nations inviolate. That, upon the subject of blockade he can do nothing; it was a question that must be settled between the two Governments; the blockade had been declared by General Morillo; it was recognised, and the consequences of violating it were inevitable; over this question he had no control."

List of the names and force of the privateers fitted out from the various ports of the Island of Porto Rico.

Palomo—A full rigged brig, pierced for twenty guns, carries six guns (18lb. carronades;) has a complement of one hundred and thirty men. Fitted out from this port, and now on a cruise.

Pancheta—An hermaphrodite brig, pierced for sixteen guns, carries ten to twelve guns; has a complement of one hundred and twenty men—captured by the *Grampus*.

Schooner General Pereira—Pierced for sixteen guns, carries six to eight guns, and has a complement of eighty men; is fitted out from this place, and now in this port.

Schooner Bruequena—Carries four guns and fifty to sixty men; fitted out from this port, and now on a cruise.

Schooner Hora de la Mar—Fitted out from Foxardo, and now on a cruise; carries one gun and forty men.

Flechera la Carmen—Fitted out from Porto Cabello; carries four guns, and a complement of fifty men.

Besides the above, there are (I am informed)

Expedition against Porto Rico.

three or four other small privateers, from the different ports of this island, of the names and force of which I have no knowledge.

EXPEDITION AGAINST THE ISLAND OF PORTO RICO.

[Communicated to the House, February 4, 1823.]

To the House of Representatives :

In compliance with the resolution of the House of Representatives of the 12th of December last, requesting the President "to communicate to the House such information as he might possess with regard to any expedition prepared in the United States, and having sailed from thence, within the year 1822, against the territory or dependency of any Power in amity with the United States; and to inform the House whether any measures had been taken to bring to condign punishment persons who have been concerned in such expedition contrary to the laws," I transmit to the House reports from the Secretaries of State and of the Treasury, with the documents mentioned in each. Those documents contain all the information of the Executive relating to the subject of the resolution. That a force of a very limited extent has been equipped in the ports of the United States, and sailed from thence for the purpose described in the resolution, is manifest from the documents now communicated. The reports from the collectors of Philadelphia and New York will show in what manner this equipment escaped their notice. The first information of this equipment was received from St. Bartholomew's, the place of its rendezvous. This was confirmed afterwards from Curaçoa, with an account of its failure. Should any of those persons return within the jurisdiction of the United States, care will be taken that the laws applicable to such offences are duly enforced against them. Whether any aid was afforded by others to the parties engaged in this unlawful and contemptible adventure, in the ports in which it was planned, inconsistent with ordinary commercial transactions, and contrary to the laws of the United States, will be referred to the Attorney General, on whose advice any measures in regard to them will depend.

JAMES MONROE.

FEBRUARY 4, 1823.

DEPARTMENT OF STATE,
Washington, Jan. 31, 1823.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 12th of December last, requesting the President to lay before the House such information as he might possess with regard to any hostile expedition prepared in the United States, and having sailed from thence, within the year 1822, against the territory or dependency of any Power

in amity with the United States; and to inform the House whether any measures had been taken to bring to condign punishment persons who have been concerned in such expedition, contrary to the laws of the United States, has the honor of reporting to the President copies of the papers in the possession of this Department relating to the subject of the resolution.

JOHN QUINCY ADAMS.

Mr. Ingersoll to the Secretary of State.

PHILADELPHIA, January 8, 1823.

SIR: Since the receipt of your letter dated the 1st instant, concerning the Porto Rico expedition, I have ascertained, as the enclosed original papers will show, that an illegal expedition was fitted out in this port against that island, and sailed from here in the month of August last.

It appears that Ducoudray Holstein and Baptiste Irvine, with about forty other persons, chartered the brig *Mary*, of this port, from Thomas Watson, her owner, for \$20,000, and sailed in that vessel for Porto Rico, with a quantity of muskets, sabres, pistols, cartridges, gunpowder, and other munitions of war, besides a cargo of flour, but without, as I understand, other armament of the vessel than two cannon, which she had had mounted before her employment on this enterprise. A vessel from New York, and another from Baltimore, were to meet the *Mary* at sea, and the three to proceed in company to their destination.

With the result of the expedition you are informed, and the enclosed letters will acquaint you particularly. They have been freely put into my hands, together with the charter-party, policy of insurance, and copy on account of the invoice, also enclosed, by a gentleman who received them as assignee of Mr. Watson, with whom also I have had an interview on the subject, in which he was fully apprized of my object in seeking it. I understand from him that, although the business was conducted with great despatch, there was nothing clandestine about it. You will see, by the list of articles annexed to the charter-party, that bills were furnished for the printing materials and iron-mongery supplied. But I believe all these articles were purchased by Mr. Watson. Policies of insurance were also effected on the *Mary's* cargo; two by insurance companies in this city, and one by an insurance company in Baltimore, (enclosed,) the tenor of which shows that the voyage was disclosed to the underwriters.

Why and how this expedition so far eluded the notice of the public officers of the United States as to have met with no obstruction, nor to have been made known to any of the Executive Departments at the Seat of Government, I am unable to inform you, further than by submitting the enclosed note, which I addressed to the collector of the port, and his answer, on the subject.

I have good reason for believing that the Minister of Spain was aware of the expedition at the time of its departure, but refrained from complaint here, preferring to take measures for its

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destruction after its concentration in the West Indies.

The first knowledge or intimation I had of it was derived from the newspaper accounts of its failure.

I remain, with great respect, &c.,

C. J. INGERSOLL.

Hon. J. Q. ADAMS, *Sec'y of State.*

Memorandum of an agreement entered into between Thomas Wattson, of the city of Philadelphia, (merchant,) and General Ducoudray Holstein, now of said city, viz :

The aforesaid Thomas Wattson, on his part, agrees to advance to the said Holstein, in cash, twelve hundred dollars, to provide for the conveyance of himself (the said Holstein) and sixty other men that he may appoint, to be embarked on board the American brig Mary, Captain Aaron Burns, and to be landed on the west side of the island of Porto Rico: and further, to deliver from on board the said brig to him, (the said Holstein,) or to his order, all articles, in good order and condition, as they are specified in the annexed list; the duties and expense of landing the said men and articles to be paid by the said Holstein. Captain Burns, however, is to render the necessary assistance his crew and the brig's boats can furnish, according to the custom of the island. And the aforesaid General Ducoudray Holstein, on his part, agrees to pay, or cause to be paid, unto the said Thomas Wattson, or to Mr. Isaac Reid and Captain Aaron Burns, his agents, the full sum of twenty thousand Spanish milled dollars, on or before the delivery of the said goods or articles, or to give them (the said Reid and Burns) good and satisfactory security that the aforesaid sum of twenty thousand dollars shall be paid within five days from the safe arrival of the said brig at the place of landing, which the said Holstein shall have to select; but it shall be optional with him (the said Holstein) to pay one-half of the above sum of twenty thousand dollars in produce of the island of Porto Rico, provided it be invoiced at one-third less than the current prices of the place of shipping, and to be consigned to the said Thomas Wattson, of Philadelphia, to be sold for account and risk of the said Holstein, and the net proceeds placed to his credit.

It is further agreed between the parties that eight days shall be allowed for the delivery of the cargo and for the shipping of the specie and return cargo on board said brig; and for each and every day's further detention of said brig over that time, the said Holstein is to pay, or cause to be paid, one hundred dollars per day demurrage; but, in no case, shall the brig be detained above fifteen days, except by consent of the aforesaid Isaac Reid and Captain Aaron Burns, agents for the said Thomas Wattson.

It is also agreed that for any small or unimportant deviation, either in quantity or quality, of the goods or articles specified in the annexed list, no abatement shall be made from the aforesaid sum of twenty thousand dollars; and that this agree-

ment shall not be considered void until the said Thomas Wattson shall receive the full and net sum of twenty thousand dollars; but no advantage shall be taken by either party of any informality in this agreement, as it is made in the full faith and confidence of the parties.

Witness, this first day of August, one thousand eight hundred and twenty-two.

H. V. D. HOLSTEIN,
THOMAS WATTSON.

THOMAS WELSVUGER, } Witnesses.
ISAAC REID, }

List of articles for General Ducoudray Holstein, as per annexed agreement, dated August 1, 1822.

One hundred muskets.
One hundred and twenty sabres and belts.
Fifty drums.
Sixty speaking trumpets.
Thirty pairs of pistols.
Sixty jackets and trowsers of blue nankeen.
Sixty straw hats.
Thirty pairs of blankets.
Fifteen kegs of powder.
Fifteen fixed cartridges.
A quantity of medicine, per bill of J. Witt-burger.
Three hundred pounds of musket balls.
Two thousand flints.
One box of mould candles.
One box of spermaceti caudles.
Two hundred pounds of soap.
Twenty pounds of sewing twine.
Three hundred gunny bags.
Four pieces of bombazettes.
Two pounds of wafers.
Six pounds of sealing-wax.
Two spy glasses.
One dozen lanterns.
One dozen tinder-boxes.
A quantity of paper, printing materials, and blank books, per Lafourcade's bill.
Six penknives.
Fourteen pairs epaulettes.
And a quantity of hardware, consisting of axes, shovels, spades, hammers, hatchets, pincers, saws, files, needles, nails, &c., per Crap's bill.

BY THE PATAPSCO INSURANCE COMPANY.

NO. 3568—CARGO.

This policy of insurance witnesseth, that the Patapsco Insurance Company have insured, and hereby do insure, Nathaniel Pearce, for account of whom it may concern, as well in his own name as in the name or names of all and every other person or persons to whom the same doth, may, or shall appertain, in part or in the whole, lost or not lost, at and from Philadelphia to St. Bartholomew's, St. Thomas's, and the privilege of three ports on the west side of the island of Porto Rico, (say Ponce, Mayaguez, Aguadilla,) and back to Philadelphia, or a port in the United States:

Five thousand dollars upon all kinds of lawful goods and merchandise, laden or to be laden, on

Expedition against Porto Rico.

board the brig called *Mary*, whereof is master for the present voyage Burns, or whoever else shall go for master in the said vessel, at Philadelphia, beginning the adventure upon the said goods and merchandise from the loading thereof on board the said vessel, and continuing the same until the said goods and merchandise shall be safely landed at the ports aforesaid.

And it shall and may be lawful for the said vessel in her voyage, to proceed and sail to, touch and stay at, any ports or places, if thereunto obliged by stress of weather, or other unavoidable accident, without prejudice to this insurance. The adventures and perils which the insurers are contented to bear and take upon us in this voyage, are of the seas, jetsams, and all such other perils, losses, and misfortunes that have or shall come to the hurt, detriment, or damage of the said goods and merchandise, or any part thereof, as insurers are legally accountable for—warranted, nevertheless, by the insured, free from any charge, damage, or loss which may arise in consequence of a seizure or detention of goods and merchandise hereby insured, or of the said brig, by reason or on account of any illicit or prohibited trade, or trade in articles contraband of war.

And all tobacco, salt, hides, skins, peltry, fish, fruit, wheat, Indian corn, Indian meal, peas, beans, flax-seed, or any other kind of grain or seeds, rice excepted; broad, coffee, and cocoa, stowed in bulk; all liquids, in casks or otherwise; and all other articles perishable in their own nature, are warranted by the insured free from average, unless general, or the ship be stranded; coffee, and cocoa, in bags, free from average, unless above ten per cent., or general; and all other goods free from average under five per cent. unless general.

And in case of capture or detention for adjudication, the insured renounce all claims against the insurers for demurrage; and in case of detention arising from stress of weather, the insured renounce all claim against the insurers for demurrage, seamen's wages, and provisions.

And in case of any loss or misfortune by any of the perils insured against, it shall be lawful to and for the insured, his factors, servants, and assigns, (and the insured on his part agrees and engages for himself, his factors, servants, or assigns,) to sue, labor, and travel for, in, or about the defence, safeguard, and recovery of the said goods and merchandise, or any part thereof, without prejudice to this insurance, to the charges whereof the said insurers will contribute, according to the rate of the sum hereby insured. And so the said insurers are contented, and stand bound to the insured, his executors, administrators, and assigns, for the true performance of the premises, confessing themselves paid the consideration for the insurance by the insured at and after the rate of five per cent. flat premium.

It is understood that this insurance is against sea risk only.

In case of loss, the same shall be paid in sixty days after proof and adjustment thereof, without any deduction, (except the amount of the premium, if then unpaid,) provided such loss shall amount

to five per cent. on the sum hereby insured; under which no payment shall be made, unless in case of general average. In all cases of return premium, one-half per cent. on the sum insured shall be retained by the insurers. No part of the premium shall be returned or abated on account of any deviation from the voyage hereby insured. It is hereby agreed, that the insured shall not abandon to the insurers, until thirty days have elapsed after having given notice to them of his intention so to do, and of the loss or event which may entitle the insured thereto. It is declared and understood that, if the above-mentioned brig, after a regular survey, should be condemned for being unsound or rotten, the insurers shall not be bound to pay the sum hereby insured, nor any part thereof. It is also agreed by the parties of this policy, that in all instances when insurances are made to or from any ports or places at or on this side of the Cape of Good Hope, or Cape Horn, the lapse of twelve months from the time of sailing, or being last heard of, shall be considered as proof or loss, which loss the insurers agree to pay without further delay; and to or from any ports or places beyond either of the said capes, the lapse of eighteen months from the time of sailing, or being last heard of, shall be considered as proof of loss, entitling the insured to receive payment as aforesaid. And it is also mutually agreed by the parties to this policy, that if any dispute should arise relating to a loss or return premium on this policy, it shall be referred to two persons; one to be chosen by the insured out of three persons to be named by the president of the said company, and the other by the said president out of three persons named by the insured, who shall have full power to adjust the same; and in case they cannot agree, then they shall choose a third person, and the decision of any two of them shall be obligatory on both parties.

In witness whereof, the President of the said Patapsco Insurance Company hath subscribed his name and the sum insured, and caused their corporate seal to be affixed hereto, at the city of Baltimore, on the fifteenth day of August, in the year one thousand eight hundred and twenty-two.

LEWIS BRANT,
President pro tem. Patapsco Ins. Co.

CURAÇOA, September 25, 1822.

SIR; I am very sorry to tell you that after running great risks both as to lives and property, we arrived at this place on the 19th of this month. The expedition is completely destroyed, as some of the principals and the commander-in-chief are taken into custody by the authority of the Chief Magistrate of the island, and the vessel also that accompanied us to this place, which was a brig that joined us at St. Barts.

The brig *Mary* and cargo are safe, and most of her cargo is out and will be ready for sea in about ten days, unless prevented by Mr. Reid, as he and I do not agree. Yours, respectfully,

A. BURNS.

Mr. THOMAS WATTS.

Expedition against Porto Rico.

N. B. This is in haste. I will give you every particular in my next, which will be very shortly.

CURAÇOA, September 26, 1822.

SIR: I have arrived at this place after encountering many difficulties and dangers both to lives and property. Every thing relating to the expedition is completely destroyed, and all that is saved are the provisions and brig. As [to] the military stores, [it] is doubtful whether they will be confiscated or not. As soon as I collect all the particulars relating to this unfortunate event, I shall endeavor to give them to you.

The reason why we are here is, that the General has deceived all who have had anything to do with him; and while at St. Barts, and since, [there has been] nothing but quarrelling and dissatisfaction amongst those who ought to have been united.

Yours respectfully,

AARON BURNS.

Mr. T. WATTSO, *Philadelphia*.

N. B.—The brig and cargo are clear, except the military stores.

Aaron Burns to Thomas Wattson, dated at

CURAÇOA, September 26, 1822.

SIR: It falls to my part to inform you that every thing relating to the expedition is entirely destroyed. I will endeavor to give you all the particulars relating to this unfortunate expedition, and every transaction that has come within my knowledge shall be fully related.

We left the capes of Delaware on the 11th of August; on the 13th arrived at Barnegat; after cruising twenty-four hours off that place for our consorts, and not finding them, we proceeded on our passage for St. Barts. Nothing of consequence happened on our passage, except a little assumption on the part of Mr. Reid, which was highly resented by some of the passengers; they supposing him not vested with such high authority as he assumed. On the 8th of September, we arrived at St. Barts; we found Captain Gould, who is deeply concerned in the expedition, and who had been waiting some days for our arrival, he having arrived from New York in the schooner *Selina*, Captain Sisters; you have doubtless heard the General mention his name. He came on board, and desired us to come into port, which was immediately done, after consulting with General Holstein, who advised to that effect. At that place all the chief officers went on shore, where there was nothing but disputations between them and Mr. Reid, as they wished to take part of the cargo to raise funds. Four days after, arrived schooner *Andrew Jackson*, Sanderson, from New York. After lying here five days, we were ordered off by the Governor, who repeated his order, declaring he would fire into us if we did not immediately obey the order. We left the principal officers on shore, and made sail for the Five Islands, at which place we arrived in two hours, it being only ten miles distant; both schooners from New York anchored

there also, and a sharp built brig, called the *Endracht*, formerly the American privateer *Saratoga*, which had been bought at St. Barts by Captain Gould for the expedition. In the afternoon, all the officers who were compelled to leave St. Barts came on board. While at the Five Islands, nothing but the most violent disputes and contention was visible among the principal persons, and at last it was concluded to put all the military stores on board the brig *Endracht*, which was done, she being a very fast sailer. Several reports were current at this place, viz: that the inhabitants of St. Barts intended to rise and come against us; next, that several French men of war were cruising off for us, they having understood that the expedition was intended against St. Martin's and Guadeloupe. We all got under way immediately; the schooner *Andrew Jackson* proceeded to St. Barts, after having put all her military stores on board of the other brig, together with her passengers, to about thirty people in number, (the sharp brig, or *Endracht*, had in all about sixty in number,) all of the vessels doing the same; the rest, three in number, immediately put out to sea, as I thought with an intention to proceed to Crabb Island, to windward of Porto Rico, where the General repeatedly declared that every thing was in readiness to prosecute the expedition; but, after being at sea about six or eight hours, Mr. Irvine and the Captain of the brig came on board, and declared that they had determined to proceed to Laguyra, instead of Crabb Island, the General having raised their expectations to the highest pitch in respect to procuring several hundred men at the latter place; they then discovered they had all been deceived, and that he had been guilty of the basest deception in holding out to them ideas which he never expected himself to be realized. We accordingly steered for Laguyra, but we got separated; some time after, Mr. Reid wished to go on board the other brig on some business, and I endeavored to come up to her, in which I succeeded; he went on board, and returned soon after, apparently very much alarmed, as he declared that they had threatened to detain him on board, and, with much uneasiness in his looks, also said they were desirous of sending a part of the passengers on board, to which I was strongly opposed. I then hailed the brig, and told them the decided course I should pursue; that if it was necessary to save the lives of the passengers, I would do all in my power to assist them; if, on the contrary, it was only a wish to get rid of some of them, that I would not take them on board; but would at any rate stay by them, and render them all necessary assistance; on which the French passengers in the other brig declared, unless I hove to, they would fire into me, and they had actually their muskets ready; on which I was compelled to heave to, and take some of them, but not until Mr. Irvine had come on board and said that their determination was to fire unless their demand was complied with. Those who had declared their determination to fire were nearly all French, to whom the General always appeared particularly partial; their determination was not only to fire

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into the brig, but to endeavor to kill all hands and take the brig from me. The number I took on board was twenty-six, mostly black, and of the lowest class. I then immediately lost all confidence in the principals, and determined to save the brig and cargo by getting her into the first port; and I succeeded in getting her in here on the 20th of September, and on the next day the brig arrived that I took the passengers out of. Both vessels were taken possession of by the orders of the Governor. After various examinations and questions, the Mary was given up; but the other brig is still in the hands of Government, with her cargo, which I believe will be cleared in a few days—at any rate, the cargo. Since we have been here, there have been continual disputes and contention among the passengers, myself, and Mr. Reid; some will have one thing, and some another.

I have determined to abandon the expedition, and save the brig and what cargo is left, as, in my opinion, there is but little confidence to be placed in any one, and great deception. The General at this time is confined; for what, I cannot say; the rest of the principal officers are rambling about, but not permitted to leave the place. The Mary's cargo is all out, and I shall take in for home in two or three days. All the cargo I had on board when we arrived here was the flour, beef, pork, bread, and saddles, with some trilling articles, as everything else was put on board the brig Endracht at the Five Islands. I will conclude by observing, that the deception practised by the General almost exceeds the bounds of belief; for the resources and funds which he so repeatedly declared that he possessed in the West Indies were totally false, and every thing that he has said in relation to the expedition has proved a chimera of the wildest nature; and I cannot but believe him to be a foolish old man, whose ideas are almost obscured by age; and that he wanted not only the abilities to command, but a knowledge of the place to which he was destined, as his ignorance of the latter was only exceeded by his incapacity for the former.

AARON BURNS.

Mr. THOMAS WATTSON.

CURAÇOA, October 12, 1822.

SIR: I have written you all the most particular transactions since we left Philadelphia. I only have to add, that the General is still confined, and the principal officers are not permitted to leave the island. Every thing has been confusion and disorder amongst the passengers since our arrival here; and I do believe the most of them are a complete set of renegadoes, who are willing to say or do any thing for the sake of gain. For my part, I would scarcely trust any one, as they have said and declared to so many falsehoods respecting the expedition, and are still going on in the same way. The brig Mary is loaded with freight for New York, and will sail in about four days, unless something turns up that cannot be foreseen. Mr. Reid, I expect, has given you all the neces-

sary information respecting the cargo, as to sales, &c. Yours, respectfully,

AARON BURNS.

Mr. THOMAS WATTSON.

I. Reid to Thomas Wattson, dated at

CURAÇOA, October 17, 1822.

MY DEAR SIR: Being detained here by this Government, and knowing not when leave will be given me to leave this miserable place, you may probably think that I ought to give you a detail of every thing relative to us since I left Philadelphia. But, as this will be handed you by Captain Burns, and as he himself has but barely escaped from the sad predicament in which all our concerns here are involved, I refer you to him for all the particulars. Yours, &c.

I. REID.

Mr. THOMAS WATTSON, Philadelphia.

JANUARY 8, 1823.

SIR: Representations having been made by the Spanish Minister residing in this country that, in the course of the last Summer, an illegal expedition against the Spanish island of Porto Rico was partly armed and fitted out in the port of Philadelphia, I have been officially requested by the Secretary of State, under the President's direction, to collect and transmit to the Department of State any information concerning it which I can obtain, and particularly to ascertain why and how that expedition, if so armed and fitted out, so far eluded the notice of the public officers of the United States as to have met with no obstruction, nor to have been made known to any of the Executive Departments at the Seat of Government.

According to this instruction, I have ascertained that an illegal expedition against Porto Rico sailed from this port in August, on board of the brig Mary, Captain Aaron Burns.

I request you to let me know, for the information of the Executive, why that vessel was not detained by you until the President's decision, or the owner's bond was obtained, as the law requires of the collector, in case of an illegal expedition.

I will thank you for an early answer to this inquiry, and remain, very respectfully, your humble servant,

C. J. INGERSOLL.

JOHN STEELE, Esq.,
Collector of the Port of Philadelphia.

232 barrels of superfine flour.
90 barrels of navy bread.
20 barrels of pilot bread.
40 barrels of beef.
43 barrels of pork.
3 puncheons of rum and 1 cask of wine.
27 saddles and 27 bridles.
112 cartridge boxes.

The above goods were shipped on board the brig Mary, Captain Burns, in addition to the list

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attached to the agreement; part of which was for the use of the passengers, and, consequently, not cleared out at the custom-house; and, in fact, some of the articles purchased after the vessel was cleared out; but every thing of importance, and what was considered as cargo, was regularly cleared out. The cost and charges of the whole, including the cash advanced, amount to \$10,326 90.

THOMAS WATTSON.

PHILADELPHIA, Jan. 7, 1823.

Robert Tillotson to the Secretary of State.

NEW YORK, January 23, 1823.

SIR: I have the honor to enclose an extract from a communication on the subject of the expedition in part fitted out in this port against the Spanish island of Porto Rico. Delicacy to those who have been good enough to give the information prevents me from accompanying this statement with the names of my informants. Should you, however, deem it necessary that a disclosure, on the authority of their names, should take place, I am authorized to say it shall be done.

Why this expedition eluded the vigilance of our public officers may in part be explained by that vigilance not being necessarily excited by a shipment that did not, in fact, develop its character until it left this port.

With great respect, &c.

ROBERT TILLOTSON.

Hon. J. Q. ADAMS, *Sec'y of State.*

[EXTRACT.]

Early in the month of August last, or thereabouts, there appeared in this city a Mr. Vogel, representing himself to be an agent of General William Henry Ducoudray Holstein, by him furnished with power to raise men and officers, and obtain supplies of arms and munitions of war, for the purpose of revolutionizing a Spanish colony, the name of which, for prudential motives, was concealed, until it might be more expedient to disclose it; at the same time, representing that the object in view had the sanction, through her agent in Philadelphia, of the Colombian republic, under whose flag, and in conjunction with whose forces, it was to be carried into effect; General Ducoudray in particular asserting, as we were informed, that Commodore Daniels, with his squadron, would co-operate in the attack. In consequence, on the 13th of August last, two vessels, the Andrew Jackson and the Selina, both schooners, sailed from New York, having on board a number of passengers, principally Americans and French, all of whom we believe (and in our own particular case do assert) were under the persuasion that our operations were to be conducted under the Colombian flag; the cargoes, consisting of muskets, sabres, saddles, powder, lead, and provisions, in packages of various sizes, having been shipped as merchandise for St. Thomas's or St. Barts. On leaving this port, we proceeded directly to the spot appointed as the place of rendezvous between our vessels and a Colombian

twenty-two gun brig, which we had been taught by the agents of General Ducoudray to expect to fall in with off Barneget—on board this vessel, which he asserted would sail from Philadelphia with men, arms, &c., it was our expectation to be transferred. After cruising some time on the above mentioned ground without falling in with any such vessel, we proceeded (as had been preconcerted) to the second point of rendezvous, St. Barts. It may not be amiss, in this place, to remark, that a sail appearing in sight which was mistaken for our expected consort, a flag was displayed at the mast head, which we have since discovered to have been an assumed one, but respecting which we were at the time kept in ignorance whether it was a private signal or the Colombian flag, though we generally supposed it to be the latter. The Andrew Jackson being a dull sailer on a wind, and the weather proving adverse, our consort, the Selina, parted company, taking on board some of our principal officers, with intention to make the best of their way to St. Barts, to expedite some preparations making in that place. About this time it became known to some individuals that our destination was Porto Rico, though the same was not generally understood until about the time that we arrived at St. Barts; no suspicion being yet entertained that we were deceived respecting the expected succors and the protection of the Colombian flag. On our arrival at St. Barts, we learned that, instead of the Colombian brig, a vessel had arrived from Philadelphia, called the Mary, with men and arms; and that, in consequence of the non-performance of General Ducoudray's engagement, a vessel had been purchased in St. Barts, which had been a few days previously taken by a patriot privateer from the Spaniards. The Andrew Jackson did not enter the harbor of St. Barts, but lay on and off for three days, at the expiration of which time she received orders to make sail for Five Islands, where, on our arrival, we found lying in a small bay three vessels, the Mary, Selina, and Endracht, (as she was then called,) being, for some reason unknown to us, under Dutch colors.

At this place we first saw Mr. Irvine and General Ducoudray, and several persons to whom he had, as we understood, given commissions; but of what description we know not, as we, the subscribers, never received any, nor saw one, until after our arrival at Curaçoa. The Governor of St. Bartholomew's, as we were informed, suspecting something of an improper nature in the expedition, had ordered these three vessels out of port; in consequence of which, but few of the soldiers there enlisted had been taken on board. The latter part of the day of our arrival at Five Islands was occupied in transferring the passengers, arms, munitions of war, and part of the stores, from the three vessels last mentioned into the newly purchased brig Endracht, and on the following morning the Endracht, Mary, and Selina weighed, and set sail (as was believed) for Crabb Island and St. Thomas's, there to take on board troops which had been previously raised; the Andrew Jackson entering the harbor of St. Barts to dis

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pose of the remainder of her cargo; from and after which time we saw nothing more of her or of the Selina. On the same day, at sea, to our utter astonishment, we were informed by the captain of the Endracht (though the same was probably already known to some of the senior officers) that we had been deceived by General Ducoudray with respect to the existence of any Colombian commission for the vessels; on which the determination was, we believe, pretty general to leave the expedition on the first opportunity. About this time a council of the higher officers was held, in which it was determined that we should immediately proceed to Laguyra, to obtain the requisite commissions and a reinforcement of men; but this resolution was rendered impracticable by the discovery that the vessel was in danger of sinking; the guns were immediately thrown overboard, and the upper masts and spars sent down to ease the vessel; and the same evening, it coming on to blow hard, she was so damaged, and made so much water, that the master determined to enter the port of Curaçoa, stating that an attempt to enter that of Laguyra in our crippled state would unavoidably subject us to capture, as that place was in a rigid state of blockade. In consequence of the warped and colored representations of some interested person, a totally undeserved stigma has attached to the character of the Americans engaged in the expedition, by the assertion that they wished to fire into an American vessel. This vessel was our consort the Mary, the captain of which, refusing to take on board any of the passengers from the Endracht, (though informed that she was in danger, and had but one boat on board) was compelled by the threats of the troops on board this last vessel, being within half musket shot, to bring to for that purpose; but in this attempt to compel that assistance so inhumanly denied, however warrantable by the law of self-preservation, no American, we affirm, was engaged; and as no organization of the troops had taken place, they could not, had they been so inclined, have prevented it. Some of the passengers in the Mary from Philadelphia had signed, as they informed us, a declaration of independence; but the same was never seen by the subscribers, [to this communication,] and the first and only copy of General Ducoudray's proclamation seen by us was on our homeward passage in another vessel, and was the same of which a translation appeared in the public prints. During an alarm occasioned by the appearance of the United States sloop Cyane, which was taken for a Spanish frigate, a bundle said to contain proclamations was brought on deck with intent to throw it overboard; but the Mary, being to windward of us, was first boarded by an officer from that ship, and, stating us to be a vessel in distress under her protection, the Cyane stood upon her course, and the proclamations were again carried below. On our arrival at Curaçoa, a Spanish admiral in that place demanding that an inquiry should be instituted into the nature of the expedition, such an inquiry accordingly took place; and circumstances appearing to justify such a measure, General Ducoudray and Mr. Ir-

vine, who, as we understood, had signed the proclamation as Secretary of State, were arrested. The papers of the Endracht having been discovered at once to be forged Dutch papers, she had been already confiscated; but the master of the Endracht having succeeded in proving (as he himself informed the subscribers, who have since seen him in this city,) the cargo of that vessel to be American property, shipped at New York and Philadelphia, it was given up, as was the brig Mary and cargo, which had also been libelled; nothing having occurred in the proceedings of the court (before the departure of the Mary) to show her connexion with the expedition.

The subscribers know little further of the proceedings of this court (which was still in session when they came away) than that, to our very great surprise, we heard that General Ducoudray and Mr. Irvine had there asserted that they had the sanction of the United States in preparing such an expedition; in relation to which, we can only say that such a thing had never been mentioned to us; but only that they had the authority of Don Manuel Torres, the Colombian agent at Philadelphia, and (he dying before the completion of the scheme) of his successor, Mr. Duane; for which reason we consider the assertion which we have above alluded to as ungrounded, and only intended to answer some private purpose of the General and his secretary.

Extracts from a letter of Mr. Robert M. Harrison to the Secretary of State, dated St. Bartholomew's, 16th September, and received at the Department of State 14th of October, 1822.

"I have the honor to inform you that there is an expedition, consisting of the following vessels, under the American flag, now at anchor in the Five Islands, for the purpose of going against Porto Rico, viz: schooner Andrew Jackson, of and from New York, captain's name unknown—cargo flour, salted provisions, and munitions of war; brig Mary, of and from Philadelphia, Burns, master, laden as above; schooner Selina, Sisters, master, cargo the same as the others; the Dutch hermaphrodite brig Endracht—that is to say, she hoists Dutch colors, but, in reality, has no papers, being a prize to a Colombian cruiser, which came here originally under the American flag: all these vessels are, apparently, under the direction of a Captain William Gould, who pretends that he is under bonds to the amount of \$150,000.

"The chief of this expedition is a person of some celebrity, by the name of *Ducoudray de Holstein*; and I am sorry to say some citizens of the United States are engaged in it, not only of splendid talents, but who have heretofore held honorable and confidential situations under our Government, and who, I fear, will be forever lost to the country.

"I have been the more particular in detailing this affair to you from the circumstance of its originating in the United States, and its being prosecuted under that flag.

"I regret that none of our vessels of war should

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be here, as they might inquire into the conduct of the commanders of these vessels."

Mr. Cortland L. Parker, American Consul at Curaçoa, to the Secretary of State, dated

AMERICAN CONSULATE,
*Curaçoa, September 27, 1822.**

SIR: On the 21st a brig, under the Netherlands flag, and another, under the American, arrived at this place from St. Bartholomew's; the former had on board Mr. Ducoudray Holstein, formerly a general in the Venezuela service, and a number of others, mostly European French, composing his staff as general, on an expedition against the Spanish Government of Porto Rico. On board the Mary, of Philadelphia, were several young men from the United States, mostly citizens, and of considerable respectability, attached to the above expedition. The vessels were brought in against the will of the General and all his foreign passengers, the masters declaring that they would follow no longer in an expedition unwarranted by their country or any other, and without either commission or force equal to the attempt.

The Dutch brig has been seized, and will no doubt be condemned, as her papers are false; but the cargo I hope to get released as American property. The American brig has been permitted to unload her cargo, as usual, though under very strict examination.

The most correct information I can give you is in the proclamations enclosed, which I have with difficulty obtained permission to keep; but the most strange part of the affair, and of that which proved the unfitness of Ducoudray Holstein to carry on such a plan, is, that he has bulletins ready written, in which he declares the brilliant success of the expedition. There are also letters from Mr. Irvine to Mr. Duane, wherein the success of the attack and landing is described at large.

I think it my duty to state these circumstances to you as soon as possible; and have the honor to be, with the greatest respect, your humble servant.

C. L. PARKER.

HON. JOHN QUINCY ADAMS,
Secretary of State, Washington.

PROCLAMATION.

The General-in-Chief of the Army of the Republic of Bouiqua (formerly Porto Rico) to the inhabitants of Porto Rico.

To arms, Americans, to arms! come and join our standard; your reward will be independence, your reward the name of free and brave Americans.

Our enterprise is easy and brilliant; the Spanish Governor has no other auxiliaries than those of the country, and he confides in your generosity! And what American could be such a traitor to his country, to his family, as to remain in the ser-

vance of the King, and assist his tyrants to enchain us again?

To arms, companions, to arms! Live our independence, live our liberty! God, justice, reason, our valor, our union, and our sacred rights, call us and will protect us! Look at your families, your parents, your friends; think of their misery, of their slavery; and choose between chains or liberty!

Let the numerous patriots of this land who have called me come immediately to our headquarters to be rewarded; let the valiant friends of independence unite under our banners; all shall be very well received and employed, according to his taste and his merits. The greatest part of you know me as one of the chiefs of the independence from the year 1811, and know that, as an old soldier, I have distinguished myself in the defence of the fortresses of Boca Chica, and I am, moreover married to a young American lady of Santa Fe de Bogota. I promise you liberty, a fixed and firm republic, if you choose to follow my counsels, and assist me, as your own interest requires, with your union, your zeal, and your valor.

That there may be regularity and order, I decree the following:

ARTICLE. 1. Every one shall have protection and security of property. The person infringing this shall be punished capitally.

ART. 2. There shall be profound respect for divine worship, the churches, and the ministers of God, under pain of death.

ART. 3. The slaves shall not be set at liberty; otherwise, the country would be ruined, and the greatest disorders would take place.

ART. 4. The General-in-chief shall choose from among men of property, talents, and experience, inhabitants of the country, counsellors of state, who shall labor, conjointly with him, for a wise and solid organization; for laws, the maintenance of justice and of the tribunals; for the establishment of a good administration. These counsellors shall be engaged, later, in forming a project of a Constitution and the mode of convoking a Congress.

ART. 5. The chief major shall dispose and organize what relates to the forces by land and sea.

ART. 6. Military men who serve under the royalist flag, European Spaniards, Americans, or strangers, shall have superior rank, if they come immediately to our side with their arms; or they shall be rewarded according to their merit.

ART. 7. European Spanish civil officers, physicians, surgeons, and apothecaries, shall all remain in their situations until a new order, and those who conduct themselves well shall be continued.

ART. 8. There shall be appointed in each town one or more commissioners, to appoint freemen of the vicinity as citizens of our republic. Those who shall not conform to that order shall be treated as enemies of our cause. We shall keep a similar register at our headquarters.

ART. 9. Americans born in the country shall enjoy the greatest advantages; they shall have the

*Received at Department of State 8th November, same year.

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right of being employed in the Government, or in the army, according to their merits.

ART. 10. Foreigners, defenders of the country, or very useful with their talents and their industry, justly deserve the name of citizens. and shall enjoy the same rights as the rest.

ART. 11. Town councils shall, without delay, send us a deputy; other voters shall remain each in his place and employment, to maintain quiet and order. The town councils which shall not conform to this article shall be treated as enemies of the country, and be brought before a military commission.

ART. 12. In each town a city militia shall be organized, which shall serve, till all be quiet, to maintain the public security.

ART. 13. There shall be raised a corps of infantry, and another of cavalry, composed of young citizens, who can equip themselves at their own expense, under the name of guards of honor. These guards shall have a brilliant uniform, and shall march with the General-in-chief.

ART. 14. All prisoners of state, whom the Spanish Government has confined for the sake of their political opinions, shall be set at liberty.

ART. 15. In each seaport in our power, all vessels shall be at once laid under embargo. None of them shall sail without leave in writing from the General-in-chief; the captains and their crews who shall assist us shall have the greatest advantages, according to their services and their merit. Those who do not conform to this embargo will expose themselves to all the rigor of the laws. The voters of the town council and the officers of the custom-house shall be responsible for the execution of this article.

ART. 16. Each town, each city, each individual, &c., who shall first rise in favor of independence, and shall send us deputies, or shall join us, shall have great rewards and privileges, according to their merit.

ART. 17. Commerce shall be free; and, to alleviate the public misery, the duties of entry and clearance in our ports shall be reduced to the half of what they were before for all articles of primary necessity.

ART. 18. The prohibition of any article whatever in the time of the King is null, and all may be introduced into our ports.

ART. 19. The beginning of the Government shall be very liberal, and shall protect not only commerce, but agriculture, industry, arts, sciences, public education, and the talents of the citizens.

Nothing shall be neglected that will give to our republic solidity and prosperity. The General-in-chief will receive with gratitude all plans and projects from any person whatsoever which tend to propose an establishment useful to the country; such individuals shall be rewarded.

When every thing shall be well arranged that the republic be quiet, fixed, and firm, that we have a Congress and a wise Constitution, that the three powers be well distinguished, then we shall be

able to cry out, with truth, Live the country, live our independence, and perish the disturbers of it!

Given at our head-quarters of ———.

LUIS V. D. HOLSTEIN.

Solemn Act of the Declaration of Independence.

The Spanish Government has given us the most forcible proofs of its tyranny, of its bad faith, and of its incapacity to protect and to govern us. The experience of three hundred years has made known to the whole world its passions, its unjust and perverse pretensions.

We have proved our gratitude and love to the Spanish Government with our fortunes and our blood; we have offered, in the beginning of the invasion of Spain by the troops of Napoleon, assistance, and every thing which a friendly nation can offer, without the least interest. Our recompense was the most unjust contempt; and, moreover, by a total abandonment of us to our own defence against the enemies of Spain, the Cortes, the Regency, and the King treated us as rebels, as perverse criminals, and pursued us with an unjust and cruel war, without our having given them any other reason than that of desiring to enjoy the same rights as the European Spaniards.

The Spanish Government has always desired to treat us as subjects, as slaves; it has been deaf to our just and lawful remonstrances; it has never ceased from tyrannizing over us; this Government has now lost our confidence, and is incapable and unworthy to govern us more.

Fully impressed with these truths, we declare solemnly before the Almighty God, before the whole universe, that we are resolved to suffer a similar tyranny no longer. A free, independent, and wise Government will give us happiness, strength, and consistency.

That order, union, activity, and the energy necessary in all the operations of our Government, may predominate, we have decreed as follows:

ARTICLE 1. Our General-in-chief is elected unanimously, and appointed President of the new Republic of ———.

ART. 2. The President is the provisional, civil, political, and military chief. He shall direct all the branches of the Administration, and of the forces, by sea and land, and shall appoint to all the offices, until the Congress shall be convened.

ART. 3. Our Republic shall, from this time, leave off all communication with the Spanish Government.

ART. 4. The President is authorized to appoint a sufficient number of men of property and talents to form a Council of Government. These counselors shall endeavor with him to consolidate and give activity to the well-being of the country.

ART. 5. A National Congress shall be assembled when the enemy shall be out of the territory of our country, and all shall be quiet and peaceable; then a project of constitution shall be attempted, and the installation of the legislative, judicial, and executive power shall take place.

Given at ———.

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Instruction of the General-in-chief, Provisional President of the Government of the Republic of —, to the foreign officers serving in the army, by land and sea, of the said Republic, on the manner of conducting themselves with regard to the American inhabitants of the country.

It gives your chief pain to issue this instruction, although he is convinced of its utility. He hopes that you will make it your study, and follow it exactly.

The principal object of this instruction shall be, to cause the inhabitants to forget that you are strangers. It is indispensably necessary that their jealousy and natural hatred of all that bears the name of foreigners be forgotten, and that the reluctance they may feel to seeing you at their head should disappear, and be converted into esteem and admiration of your conduct and your talents. You will soon compel them to cherish you; and, in fine, to regard you as their brothers, their friends, and their superiors; then your chief will be content and satisfied. He has pursued the same course, the same conduct, and that for five years; and from the first year he has caused himself to be loved and to be respected to such a degree, that one word of his has had more effect than all the most rigorous punishments of their own native chiefs; for the officer and the soldier name him only as their father.

It is therefore his experience, it is the result of a very long and constant study of the character of this people, which he here presents to you. In following this instruction most exactly, you will find yourselves happy and content; in neglecting it, you will not only suffer personally from it, but your carelessness, your imprudence, your disobedience, will have an influence upon the well-being of your comrades, and upon that of all the foreigners who surround you. Wo to him, then, who shall wish to deviate from it; I shall immediately know him, and I shall be obliged to punish him rigorously, and to drive him from the midst of our ranks, which he would dishonor as a bad citizen, as a perverse and dangerous man, who obstinately persists in being guided only by his passions, and who would sacrifice the well-being of thousands of his equals upon the altar of a short-lived vanity. I am, as you know, upright, humane, indulgent to trifling faults; but I will be very severe, even inflexible, towards all those who shall give just causes of complaint, by having maltreated, without cause, either by word or deed, any American inhabitant, military or civil. The principles by which I am guided are known and simple—those of being impartial and just. The foreigner shall be treated as the American; the American as the foreigner: merit alone shall distinguish them.

Do you wish to be citizens of this country, and then to enjoy all their rights? Do you wish to aspire to the highest places in the Government, and to be on an equal footing with the native? They come to meet you; they offer you even all imaginable advantages; and do you wish, on your side, to do nothing to deserve these benefits?

What is there out of the independent republic of South America which presents you such advantages? Certainly you will be very ungrateful, you will be unworthy of my confidence, if you do not exert all your zeal and your attention to come at it.

Assist me only by your docility, by your confidence, by your zeal, and I promise you that all will be well. I speak to you as a kind father of a family who loves his children; you are dear to me, as are the Americans; merit alone will distinguish you; and I shall know among you neither French, nor Germans, nor English, nor Poles, nor Danes, nor foreigners of any nation; you are in my eyes the children of the country, its defenders, and its citizens, as the natives are, who serve with you our common country. As to myself, personally, I am an American and a foreigner at the same time; for, born in Europe, and without the soil of this republic, as well as you, I am a naturalized American of long standing, as well by my services in the independence, as by my marriage with a young American lady. I will, therefore hold the just medium between you and the American. I only ask of you confidence, union, and prudence, and all will be well. It is only by following my counsels, by studying this instruction, which has no tendency but to render you happy, to cause you to be loved and esteemed by the natives, that you will be worthy of being my children, and of filling the places which you now occupy.

As all these places are only provisional, your good or your bad conduct will have the greatest influence on your advancement. He who will take no care of himself will be exposed to be superseded immediately; whilst all those who shall conduct themselves well, who shall be zealous, active, and judicious, will be sure of being preferred. Read, therefore, with much attention, the following articles, and conform yourselves to them; then you will find yourselves well, happy, loved, and esteemed.

ARTICLE. 1. The character of a native of this country.—This is good, tractable, and susceptible of receiving every impression, good or bad, according to the confidence which he shall have in his commander. His self-love is great; but, properly directed, it will render him susceptible of doing good and noble actions; ill-directed, it will only be productive of misfortune to him, and will drag you along with him. The love of liberty, of the independence of his country, the hatred which he naturally expresses for his oppressors, added to this self-love, will so elevate him, that he will fight with courage and with a greater degree of bravery, as he will have your example before his eyes.

ART. 2. Constantly and carefully avoid saying that you are French, English, Germans, &c. Tell them, on the contrary, that you are citizens of the country, zealous friends of independence, their brethren, their fellow-countrymen, and, when out of the service, their equals.

ART. 3. Above all, study with the greatest care the language of the country; employ all your leisure time in it; I will furnish you with all the ele-

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mentary books gratis, as well as the necessary masters for attaining this language, as soon as possible.

ART. 4. Never affront any one whatever—your American superior, your American equal, or your inferior. Whoever shall address himself to you with any complaint, no matter what, hear him calmly and with patience. If you do not understand him, send for an interpreter; but immediately render him the strictest justice in the case of complaint: always say something obliging to him, even in refusing his demand. He will be at least satisfied of your good-will; he will communicate it to his comrades, and you will be greatly beloved.

ART. 5. Never be impatient in making your recruits go through the exercise, when they are naturally awkward and ignorant in the principle. Show them with mildness and patience what and how it ought to be done. Praise and encourage those whom you may observe willing to do well. If you ever perceive yourselves the evidence of any of these young people showing a repugnance, or even an ill-will, to do what you shall order, do not show them that you perceive it; do not humiliate him, but begin to excite his self-love; praise him at least a little for what he has executed but very ordinarily; encourage him in making him repeat it; he will finally lose that unwillingness, and will follow and obey you.

ART. 6. Punish only grievous faults; and, as to small ones, pardon them for the first time; exhorting them, however, with mildness, but with firmness, that they take good care of the second; that you should be sorry, but forced to punish them. Then you ought to do it, but coolly, and in a legal manner. You will soon see the good effect of such conduct upon all the spirits of those under you.

ART. 7. Never break your word to them, nor make a promise to them which you do not believe you can keep; for if you break it once, they will no more believe you; you will have lost their confidence. Say, rather, if the demand should seem to you to be well founded, that you will do your utmost to obtain it for them; make actually for them the necessary exertions; you will prove by that to your subordinates that you are in earnest for their welfare. He will soon know it; he will be content and satisfied; even when you have it not in your power to succeed, he will know your wish in it.

ART. 8. Take the greatest care of your troop; enter absolutely into the most minute details upon whatever concerns the comfort of your subordinates, and see that they want nothing. By that, you will be entitled to their gratitude, and to the power of commanding them.

ART. 9. Never mix with the soldiers when off duty, either in public places or any where else. Never drink with, nor descend to treat the soldier as your equal. Too much familiarity is as prejudicial as too much severity. It will sometimes happen that, in camps or in public feasts, some of your soldiers will offer you to drink to the republic or—no matter how; accept it; but immedi-

ately cause a bottle or more to be brought, tell them to drink your health, and go away.

ART. 10. When you are under arms at the head of your troop, either in the great manœuvres, or in the detail of exercises, say nothing to your soldiers but what is absolutely necessary; but when you come to go against the enemy, harangue them, and inspire them with courage, with ardor, and with confidence, by your good example. One single action, in which you shall have boldly exposed your person, will be sufficient to gain you their entire confidence. They will respect you and will cherish you; they will soon forget that you are a foreigner.

ART. 11. In conversation with any native, not even in speaking with your comrades, in presence of one of them, carefully avoid criticising their manners, their customs, their dress, &c. They will perhaps laugh with you; they will even frequently be the first to excite you; be always prudent and on your guard, for they will never forget your words; and the more elevated your rank, the more you are watched by them.

ART. 12. Abstain from gaming, and from debauchery of every kind; show, by your good conduct, that you are worthy of my confidence and of command. For gaming and debauchery will ruin your health and your purse; you will render yourself incapable of service, and you will become the butt of contempt.

ART. 13. Constantly endeavor to be brave, but just; even severe, when it shall be necessary; and six months of application and of practice in all that I have said to you will insure me your comfort and that of thousands of our compatriots. If any one of you have any doubts, any scruples, and will come and communicate them to me, I will, with pleasure, see all those who wish to be instructed, and I will endeavor to resolve them.

Appeal of the General-in-chief, Provisional President of the Republic of Boique, (Island of Porto Rico,) to foreigners of all nations, with the exception of European Spaniards.

HEADQUARTERS AT MAYAGUEZ,
September, 1822.

The revolution in this island is accomplished; independence formally proclaimed; and a free Government, republican and wise, offers you employment, protection, security, and comfort.

We, in consequence, invite you to come and settle in our fine country, under a salubrious and benign climate, and we promise as follows:

ARTICLE 1. The right of citizen, that of voting, and that of aspiring to employments, civil and military, of the republic, without regard as to birth or religion, but purely to the morality and talents of the candidate.

ART. 2. To the military, the same right of citizen, punctual pay, and their wants fully provided. They may rely, according to their good conduct, upon certain and prompt advancement.

ART. 3. Those of the military and naval forces having had the misfortune to be wounded in the service of the republic shall be placed in the hotel

Expedition against Porto Rico.

of invalids, and shall be attended to at the expense of Government.

ART. 4. Physicians, surgeons, and apothecaries of talent, will find employment in our army and in our hospitals.

ART. 5. Cultivators, planters, and those versed in agriculture, will present themselves before the commission of agriculture, who will, according to their means and merit, assign to their hands the means to purchase the most necessary utensils, and instruct them in the way to prosperity.

ART. 6. Manufacturers, desirous to come and establish, will find protection and employment. Those who may have useful establishments to propose will present their plan to the Council of State, and, if approved of, their enterprise will be facilitated and protected.

ART. 7. Merchants and traders are invited to establish here. There shall be no article prohibited; commerce will be protected; and the duties will be small.

ART. 8. Artists of every class, men of learning, and persons useful for public instruction, will find employment and protection.

ART. 9. Manufacturers of powder and tobacco, and carriers, armorers, carpenters, coopers, shoemakers, tailors, farriers, mechanics, workmen, and persons of whatsoever useful calling, will be employed and protected.

ART. 10. The present appeal excludes those who are prosecuted for crimes or infamous acts, stock-jobbers, gamblers by profession, persons without calling or trade, those living by unknown means, all adventurers, sharpers, and intriguers of every description having no profession or employment. They will soon be discovered, arrested, and expelled forever from the soil of our republic.

All persons designated in the first nine articles: those first arrived will enjoy greater advantages over those who will arrive later.

We invite the friends of our cause, the journalists and merchants, reading the present appeal, to assist us in propagating the same, by having it inserted in their papers, in the language of their country.

The main object of this proclamation is, to endeavor to ameliorate the unhappy condition of thousands of foreigners, passing a miserable life, unmerited, and beneath their intellectual faculties.

They will endeavor to place each according to his merit, his conduct, his experience, and abilities, and will offer to all equality of rights, asylum, protection, and comfort.

The President General-in-chief:

LUIS V. DUCOUDRAY.

Secretary of State, *pro tem.*:

B. IRVINE.

The General-in-chief of the Republican army of Bouguá, (island of Porto Rico,) to the foreigners established in that island.

HEADQUARTERS AT ———.

SIR: Called by a considerable number of the inhabitants of your country, I come at the head

of a corps armed to proclaim their liberty and independence.

The revolution is in your favor; by it, you will obtain the right of a citizen, and admission to civil and military situations, as the tenth article of the annexed proclamation proves.

The advantages to your families, and to so many thousands of our fellow-countrymen, are immense and incalculable. Come, then, without fear, to rally around me, to assist me in consolidating our work.

Those who shall prove their zeal and their devotion to our cause, and who shall present themselves first at our headquarters, shall enjoy the greatest advantages, which shall surpass even their expectations. I shall know, in a few days, those who shall not have presented themselves there. All those who know me know that my word is sacred, and that my views tend towards the happiness of a wise, solid, and flourishing republic.

I have the honor to salute you.

L. V. DUCOUDRAY.

P. S.—I request you immediately to communicate this letter to your friends and acquaintances, and to rally them around us.

To the Foreigners of the island of Porto Rico.

Form of reward of merit.

Attending to the merit of Don —, his liberal principles, and known and promised adherence to the just cause of the independence and liberty of that part of America formerly Spanish, I give him this provisional and interim certificate, that, in the office or grade of —, he may serve in the Republic of —, until the sovereign Congress have confirmed his nomination. His pay, emoluments, &c., run on, agreeably to his office, to count from this day's date.

Given at —, 1822. Signed by my hand, registered, and sealed with the seal of the Government.

By order of the General, the Intendant of the Government.

Copy of a bill.

GENERAL QUARTERS OF —.

No. —.

Obligation of the sum of —, pledged upon the national property of the republic of —. In — months from this date the treasurer of the republic will pay — or his order the said sum of —.

THE GENERAL-IN-CHIEF.

Registered by the Intendant.

Extract of a letter from Mr. Cortland L. Parker, American Consul at Curagoa, to the Secretary of State, dated

CONSULATE OF THE UNITED STATES,
Curagoa, October 18, 1822.*

"Annexed is my letter of the 27th ultimo; since which the crews and passengers of the American

* Received at the Department of State 8th November, same year.

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and Netherlands brigs therein mentioned have been under examination; and, from what I have been able to learn, it appears that this expedition was to have been the forerunner of others against the West India islands of every Power in Europe; and some very strong expressions to that effect, in a letter from Mr. B. Irvine, have been the cause of his being placed in close confinement. The brig *Mary* is cleared, and I have succeeded in obtaining passports for thirteen young Americans, who have been shamefully deceived into an expedition which could bring on them nothing but disgrace and destruction."

R. W. Meade to the Secretary of State, dated

PHILADELPHIA, December 17, 1822.

SIR: Observing in the National Gazette of last evening a communication extracted from a paper called "The Statesman," purporting to be a correct statement of the late Porto Rico expedition, in which it is attempted to prove, (on mere assertion, however,) that the said expedition was undertaken and fitted out with the knowledge and co-operation of the late Don Manuel Torres, Chargé d'Affaires of the Colombian republic; and conceiving such a report to be a libel on the character of my late and much lamented friend, and on the Government he represented, I conceive it a duty I owe both to them and to myself, as the executor, friend, and only agent of that Government legally authorized to receive and open its correspondence, and of course encharged with its affairs *ad interim*, to declare the same totally unfounded, and, in fact, a fabrication for some sinister purpose. How far the authors of the expedition may have made use of Mr. Torres's name to seduce the deluded men who joined them, is what I am ignorant of; but can easily conceive that men who could undertake such a scheme would not hesitate at the use of any deception or means to accomplish their ends.

My knowledge of Mr. Torres's character is of long standing; my personal acquaintance with him dates since my return to this city in August, 1820; since when Mr. Torres had no secrets concealed from me. For many months previous to his death I saw him daily; and, when absent, which happened during his and my visit for a few weeks to Washington, we were in constant correspondence; and at his decease, Colonel Duane and myself were left encharged by him with all his public business; and since the departure of Colonel Duane from this country, I have remained solely encharged with the affairs and correspondence of that Government; and I do solemnly declare that there is not the smallest ground for believing that Mr. Torres was ever acquainted with the expedition, much less that he had ever given it his countenance. In the whole of his correspondence with his Government and its agents, actually in my possession, not one word or hint of the most remote kind is made of such a scheme; and, in fact, to any man of common sense acquainted with the character, prudence, and delicacy of conduct of Mr. Torres, it must

be apparent that he never could have countenanced such a perfectly mad scheme.

For many months prior to the declaration by this Government of the independence of the Spanish Americas, a set of adventurers existed in this country, holding their rendezvous in this city, Baltimore, and New York, watching their opportunity to undertake any adventure which could furnish them the means of living at the expense of their neighbors. Many of them were foreigners of desperate fortune, who, in their imaginations, fancied any project lawful which should put them in possession of the means of seizing on a portion of the Spanish colonies, under the pretence of establishing independent Governments, but, in fact, with no other view but that of enriching themselves. The declaration of the independence of these countries by this Government at once destroyed all their hopes and expectations, and nothing but some desperate measure was now left them. Many of them made application to Colonel Cortes for employment under the Mexican Government; and I recollect one anecdote which he mentioned to me, of two of the principal chiefs of the band in this city, which so strongly marks the character of the men as to be worthy of being mentioned. Some time after he had in the most positive terms informed them that they would not be employed in Mexico, a paragraph appeared in one of our papers containing some details of troubles and a probability of intestine commotion in Mexico; they waited on him again to tender their services, stating their having heard of these reports, and that they now thought their services might be required. The Colonel answered them that he neither knew of nor believed any such reports; that it might possibly be that there did exist a difference of opinion among some of the persons in Mexico as to the form of Government to be adopted, but that that was a question to be settled by themselves; at all events, they did not require strangers to settle the point for them. Colonel Cortes, however, added: But, gentlemen, since you have heard of these parties, pray to which do you wish to attach yourselves, or offer your services to? The answer was: Oh! to either of them; the strongest, of course, if we could ascertain it; our object is to get employ. I never spoke directly or indirectly with any one of the persons concerned in this expedition, except to two young men who, I lately learned, had gone with it, and who had applied to me to endeavor to get them employment in the Mexican service. Baptist Irvine, to whom I had been introduced at Washington, came to this city for the express purpose, as he informed me, of procuring Spanish authors on the Americas, in order to complete a work which he had announced as being about to publish on those countries. He waited on me on his arrival; and, believing his object a praiseworthy one, I permitted him the use of my library, from whence he took a number of valuable books. During his stay here, I saw him, I believe, thrice. He returned my books by a servant, with a note; and the first and only information I had of the des-

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perate step he had adopted I received from his signature to the proclamation published in our papers. I have reason to believe that pecuniary distress alone drove him to the extremity of joining these adventurers.

About the period of Mr. Torres's death, which happened on the 14th June, I was informed by a gentleman of this city that a sum of money, said to be \$18,000, had been remitted by sundry persons residing in Porto Rico to assist in revolutionizing that island; and I have reason to believe that with that money vessels were chartered as merchant vessels to take out these adventurers to some one of the neighboring islands, from whence other arrangements were, in all probability, intended to be made for fitting out the expedition. I have also heard that, long prior to the vessels sailing from the United States, disagreements had taken place among the persons engaged in the scheme, as to the respective offices or employments claimed by each in the island, already, in their fertile imaginations, in their possession; and that one or two, dissatisfied with their nominations, had actually proceeded to Boston, where Mr. Anduaga, the Spanish Minister, then was, and laid before him a circumstantial account of the expedition, and every thing and person connected with it. I, therefore, did not consider it my duty, either as executor of Mr. Torres, or as a citizen of the United States, to take any notice of the affair; nor should I at this moment trespass on your more important vocations, did I not think it necessary, in the absence of any other representative of the Colombian Republic in this country, to disavow any countenance having been directly or indirectly afforded to it by Mr. Torres. What promises may have been held out or made by any of the commanders of the private armed vessels of Colombia in this port, I am ignorant of, but have no reason to suppose that any of them had any hand in this business. I feel pretty confident that the only officer of the Colombian Government with whom I had been made personally acquainted, on account of the decease of Mr. Torres—Commodore Daniels—had no share in it, as his objects in the service of that country, at that period, were of a much more important nature.

I have the honor to remain, &c.

R. W. MEADE.

J. Q. ADAMS, *Sec'y of State.*

TREASURY DEPARTMENT, Dec. 30, 1822.

SIR: The Secretary of the Treasury, to whom was referred the resolution of the House of Representatives of the 12th instant, requesting of the President such information as he may possess concerning a hostile expedition alleged to have been fitted out in the ports of the United States against the island of Porto Rico, has the honor to report: That the records and files of this department, at the time of the said reference, furnished no evi-

dence that any such expedition had been fitted out in the said ports. Since that date, the collectors of the districts of Philadelphia and New York have been required to furnish any information in their possession relative to the said expedition. Copies of their answers to the requisition are herewith communicated; from which it appears that no ground of suspicion existed, at the time the vessels alleged to have composed a part of the expedition cleared out, that any violation of the laws was contemplated by the owners or commanders of those vessels.

I remain, with respect, &c.,

WM. H. CRAWFORD.

JAMES MONROE, *President U. S.*

COLLECTOR'S OFFICE,
Port of Philadelphia, Dec. 23, 1822.

SIR: Immediately after the receipt of your letter of the 21st instant, the records of this office were examined for the purpose of ascertaining when the brig Mary Ann, Burns, master, and the schooner Selina, Sisters, master, cleared from this port. It appears that the brig Mary, (not Mary Ann,) Aaron Burns, master, cleared hence for Aux Cayes on the 5th day of August last, with a cargo consisting of navy bread, pilot bread, flour, beef, pork, rum, powder, drums, muskets, pistols, swords, cartridge-boxes, saddles, and lead bullets.

No evidence or information whatever was received at this office, either before the departure of the brig, or subsequent thereto, (except what is communicated in your letter,) of her being unlawfully equipped, or engaged in any enterprise prohibited by the laws of the United States.

It does not appear by the books of this office that the schooner Selina cleared from this port for a foreign port during the present year.

Very respectfully, I am, sir, &c.,

JON. STEELE.

WM. H. CRAWFORD,
Secretary of the Treasury.

CUSTOM-HOUSE, NEW YORK,
Collector's Office, Dec. 24, 1822.

SIR: I have received your letter of the 21st instant, relative to the schooner Andrew Jackson, Sanderson, master, which vessel cleared from this office on the 10th day of August last for St. Bartholomew's and St. Thomas's. A copy of her outward manifest is herewith transmitted, by which it will be perceived that the cargo was not of a suspicious character. Neither has there any thing subsequently occurred, to my knowledge, to create suspicion in relation to this vessel. Should any information hereafter occur, I will immediately communicate it.

I have the honor to be, &c.,

JON. THOMPSON, *Collector.*

Hon. WM. H. CRAWFORD,
Secretary of the Treasury.

Memorial from Florida.

Report and manifest of the cargo laden at the port of New York on board the American schooner Andrew Jackson, Sanderson, master, bound for St. Bartholomew's and St. Thomas's.

Marks and numbers.	Packages and contents.	Value at the port of exportation.
H.	93 barrels beef - - - - -	\$476 63
	9 barrels beef - - - - -	31 50
T.	10 hogsheads tobacco, 11,051 pounds - - - - -	372 01
	225 barrels flour - - - - -	1,350 00
	91 pigs lead, 100 cwt. 3 qrs. 0 lbs. - - - - -	705 25
	82 boxes codfish - - - - -	266 50
	34 kegs tobacco, 3,294 pounds - - - - -	230 58
	30 barrels pork - - - - -	273 75
	35 barrels navy bread - - - - -	105 00
D. A., 107, 108, 109, 117, 125, 126, 132, 133, 141.	21 cases arms, 630. - - - - -	
A. C., 88, 89, 176, 177, 178, 203, 204, 205, 206, 207, 222, 249.	17 cases saddlery - - - - -	1,292 50
	54 boxes raisins - - - - -	97 00
	15 half barrels flour - - - - -	49 25
	60 kegs powder - - - - -	255 00
	1 medicine chest - - - - -	40 00
C.	10 cases assorted hardware - - - - -	2,910 48
117, 59.	5 cases muskets, 20 in each case. - - - - -	550 00

SAMUEL SANDERSON.

MEMORIAL FROM FLORIDA.

[Communicated to the House, February 3, 1823.]

Message from the President of the United States, transmitting a memorial of the Legislative Council of Florida.

To the Speaker and House of Representatives :

Having lately received a memorial from the Legislative Council of the Territory of Florida, on subjects very interesting to the inhabitants of the Territory, and also to the United States, which require legislative provision, I transmit the same to Congress, and recommend it their consideration.

JAMES MONROE.

FEBRUARY 3, 1823.

To His Excellency JAMES MONROE,
President of the United States :

Your memorialists, constituting the Legislative Council of the Territory of Florida, beg leave to submit to the President of the United States a statement of the prominent subjects of general interest to the inhabitants of this Territory, for which they have been appointed to legislate, and in the destinies of which they feel a deep public and individual interest.

The Legislative Council will approach the topics to which they would most respectfully solicit your attention, with that frankness and sincer-

ity which citizens have the pride and satisfaction to assume, in addressing the Chief Magistrate of our grand confederacy, and through him the Congress of the United States. After a long and protracted negotiation, the United States acquired the Floridas, an acquisition which it was then supposed would form one of the brightest epochs in the history of the distinguished Administration that negotiated, and the Congress that sanctioned the treaty of cession, and enabled the ceded inhabitants, with the influx of population and wealth, to fulfil the high destiny to which the God of nature seemed to have assigned this highly favored country. Candor, however, obliges us to say, that the act of Congress for the organization of the government of this Territory, although calculated to remedy many of the defects of the provincial establishment from which it was lately emancipated, was nevertheless not so favorable as we had a right to expect, when we contemplate the value of the acquisition; the commercial and agricultural advantages of the country; its soils, bays, rivers, and harbors; its important resources and energies, when developed and called into action; and, above all, its exposed situation, possessing a seacoast of twelve hundred miles, constituting the natural boundary of the most important part of the Union, and liable to the incursions of any foreign invader, or lawless domestic enemy, whose cupidity and enterprising avarice might lead them to desolate our towns and plunder our sparse population. Your memorialists do not, in

Memorial from Florida.

the remotest degree, charge the neglect to want of that careful and provident attention to the interests of the native and adopted citizens of the United States which has always characterized the policy of those who are intrusted with the guardianship of our rights, but to a want of the requisite information in regard to the necessities and wants of our Territory, deprived as it has been of representation in Congress.

The first subject to which we would particularly invite your attention, and that of the Congress of the United States, is one of as much national concern as solicitude, in reference to the immediate prosperity of this Territory. It will be recollected, that the late Government of Spain over these provinces, considered East and West Florida as two distinct dependencies, from a connexion of which they could discover no immediate benefit to Spain, and consequently, the settlements were confined to the vicinity of St. Augustine and Pensacola—more particularly in West Florida, where the settlement of the country was circumscribed, by an apprehension of Indian hostility. The effect has been to prevent the establishment of a road from the capitals of the above provinces to each other, or to the interior; and as we are at present situated, the nearest practicable road from one to the other by land, is seven hundred and fifty miles, through Alabama and Georgia; and the water communication round the cape is as difficult as a trip to Liverpool or Bordeaux. A conclusion, however, unfavorable to the conjunction of the two provinces in a Territory or State, cannot be drawn from this fact, the distance not being more than three hundred and fifty or four hundred miles, through a healthy fine country, a large portion of which, your memorialists are induced to believe, for fertility, is not to be surpassed by any land in the southern country. A slight view of the geographical situation of the country, its local and political connexion with the United States, will demonstrate the policy and necessity of preserving the connexion of the Floridas, and also dictate the propriety of laying out a road from Pensacola to St. Augustine, from which our Government, in addition to the lasting improvement of her territory, for the labor and expense, will derive more than an equivalent from the sale of public lands, which will be much enhanced in value, by such an improvement. Your memorialists would direct some intelligent officers of the engineer corps to explore the country, and mark out a road from Pensacola to St. Augustine, and adopt such measures as to your Excellency may seem fit, to have the same opened, in conformity with their report. And also, that they be directed to select some suitable place, in the Mickasuky country, or on the Suwany river, or the adjacent country, for the permanent seat of government of Florida, and make report thereof to the Governor of this Territory, to be laid before the next Legislative Council. Whilst we are on the subject of establishment of public roads, so nearly connected with the growth, wealth, and prosperity of this Territory, we would also take the liberty to recommend to the General Government, the necessity and practicability of

opening the road from St. Augustine into Georgia, known by the appellation of the King's Road, which was opened at great expense by the British Government, and could at this time be re-opened with very little labor, and will afford a communication to facilitate the intercourse between that part of the Territory and the Southern States. The establishment of this road was deemed an object of the utmost importance to the province of East Florida, by the British Government. Your memorialists are induced to believe, that the policy and necessity of such measure will be more strongly felt by the Government of the United States.

Your memorialists would beg leave, particularly, to direct the attention of the Congress of the United States to the necessity of erecting lighthouses at Pensacola and St. Augustine; and also to provide some law upon the subject of wrecking, at the peninsula of Florida, which is now in the hands of foreigners; and subject to the absolute control of the colonies of Great Britain and Spain, and is frequently made the pretext for piracy and smuggling.

Another subject to which the Legislative Council will call the attention of Congress, is the organization of the judiciary in this Territory. By reference to the act of Congress, it will be found that two district courts are established, one in East and the other in West Florida. Those courts are vested with jurisdiction in civil and criminal cases, without an appeal from their decisions to any other tribunal, only when they entertain jurisdiction in their federal capacity. It follows, therefore, that the act of Congress has vested in one judge power over the lives, liberties, and property of the citizens of this Territory, without providing for an appeal or writ of error, to correct a judgment rendered by misconception of the law, partiality, or judicial impetuosity. Whatever confidence we may repose in the virtues of our judges or the upright integrity of the American bench, your memorialists conceive that it is a novel and dangerous power, inconsistent with the policy of our Government, and contrary to the usual course in relation to all the other Territories; in all of which, if they are not mistaken, three judges have been appointed, who were required to hold courts in different parts of the Territories, and once or twice a year hold a court of errors and appeals, in all cases arising under the Territorial laws. The judges are incompetent to form such a connective tribunal; to supply the deficiencies in the judiciary system, as regulated by the act of Congress, the Legislative Council considered it incumbent upon them to establish inferior courts as a temporary expedient, making it the duty of the judges of the inferior courts to hold pleas in the several counties, with an appeal from their decision to the district court of the United States. We believe this course to be indispensable to the convenience of large settlements remote from St. Augustine and Pensacola; a contrary policy would have subjected them to great inconvenience, and, in many instances, would have been tantamount to a denial of justice. We considered it necessary to prevent

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crime by its speedy punishment, to restrain the refractory, to protect the weak from the oppression of the strong; and thus to insure virtue and humanity among our citizens, and accomplish the great end of society—the happiness of the people. The salaries of the judges of the inferior courts amount to two thousand four hundred dollars; and, as we are in the first grade of Territorial government, we have reason to expect that Congress will make an appropriation of that sum; and also provide for the appointment of another judge, to reside at the seat of government, which will do away the necessity of a longer continuance of the inferior courts.

There is another topic, of considerable interest and magnitude to this Territory and the United States, upon which your memorialists would respectfully express their opinions on the present occasion. In consequence of the great extent of seacoast, by which Florida is bounded, and the consequent exposure to which she is subjected, the speedy settlement of the country will readily present itself to your Excellency, as an object of the most important consideration. In order to give that strength and security to Territories thus peculiarly situated, emigration should be invited to them by every advisable means within the control of the General Government. To accomplish this desirable purpose, it may be considered of the first moment that the claims to land, of every description, should be promptly ascertained and adjusted. Upon this subject, your memorialists would, with all the respect and confidence due to the constituted authorities of the Union, recommend that the powers of the commissioners should be enlarged, relative to claims upon which they are authorized to pronounce a final decision. Your memorialists would also suggest the propriety of referring the larger grants to the investigation and determination of the judicial tribunals. Were the existence of this power thus vested in our courts, and transferred from the national councils, it is confidently believed that much expense would be avoided, as well as more ample and speedy justice administered to all the parties concerned. The members of the judiciary residing in the Territory, and having obtained an acquaintance with the laws and ordinances of the government from which the claims emanated, they must necessarily be much better qualified to pronounce an opinion than any tribunal differently constituted. From the decision of the courts here, an appeal might be given to the Supreme Court, and thus the validity of titles decided by the Constitutional arbiter—the judiciary—which would eminently contribute to secure the rights of the United States and the claimants.

Until these difficulties are obviated, it cannot be expected that emigration should be successfully directed to the Territory of Florida. Large tracts of land are in some places covered by private claims. Before the proprietors can make any permanent disposition of them to settlers, by which a dense and efficient population can be obtained, it is indispensably necessary that they should be free from all encumbrance and litigation. This

end can be most speedily, cheaply, and certainly accomplished, by the judicial tribunals of our country. Next to bringing the public lands into market at an early period, your memorialists consider the prompt and final decisions of land claims, as an object of the highest consideration; upon it, not only depends the growth and prosperity of this Territory, but the effectuation of those valuable purposes for which the United States obtained their cession by the late treaty with Spain.

In conclusion, your memorialists would beg leave to represent to your Excellency the superior advantages of the harbor of Pensacola over any other on the Gulf of Mexico south of New Orleans, and suggest the policy of selecting it as a naval depot, by the Government of the United States. Although engineers have been appointed to make a survey of the harbor, who are amply competent to form a correct estimate of its importance; yet it is to be hoped that the suggestions of your memorialists may not be considered obtrusive, but received with complacency as the offspring of a lively interest in the welfare of this Territory, and of the United States. From a survey that has been made of the harbor of Pensacola, under the orders of the General Government, it is understood, by your memorialists, that, at the lowest water, vessels drawing not more than twenty-one and a half feet water may cross the bar, and enter the harbor with perfect safety. The medium depth of water between the highest and lowest tide, may be confidently estimated at two additional feet, making in the aggregate twenty-three and a half feet. It is believed that, from the best advice which has been obtained upon the subject, that this depth of water on the bar is sufficient for the entry of vessels of any description, save those of the largest class; the locality of the bay is likewise such as to secure every facility to the entrance and departure of vessels. The opposite extremes of its oblong form extend in a north-easterly and south-westerly direction, which happily corresponds with the general range of winds, so as to subject vessels to very little delay in their arrival or departure. After vessels have entered the bay, they have every assurance of the most perfect security, even in the most violent gales; it is completely land-locked by the main land and the island of St. Rosa; it is uncommonly capacious, and its bottom, affording a stiff tenacious clay, constituting a safe and excellent anchorage. From St. Carlos de Barancas to the opposite point on St. Rosa's island, is computed to be about three-fourths of a mile; with suitable fortifications at those two opposite positions, it is confidently believed, by military gentlemen of science who have visited them and expressed an opinion, that no vessel could pass into the bay without receiving a fatal injury; the guns of both fortifications could be brought to bear upon it, with so much certainty and effect as to insure its destruction. Every examination which has been made of these commanding stations, has resulted in the decided opinion, that it can be much more easily defended than any other on the Gulf, if not on the whole of the Atlantic coast.

Boston Memorial—Revenue Laws.

A faithful topography of Pensacola, and the adjacent country, will demonstrate that it may be very efficiently protected from the inroads of the enemy by land. In the rear of the town, at the distance of about half a mile, the highlands are presented, upon which military works may be constructed to advantage, so as completely to command the whole space intervening between them and the bay; a single fortification, strongly and judiciously built, would successfully bear upon the entrance into the town, in every direction. There is, probably, no other station on the southern coast, which could be defended by land with so small a number of troops, or at less expense.

Independently of the facility with which Pensacola may be defended, if reliance is exclusively reposed on regular troops, there are other prominent considerations, which powerfully recommend it to the attention of the General Government. This results from its immediate connexion with New Orleans, and its contiguity with most of the States on the Mississippi river. In cases of emergency and invasion, should it become necessary to call the aid of the militia for the protection of this place, they can be readily obtained from Louisiana, Mississippi, Kentucky, Tennessee, and Alabama; owing to an advantage from a water communication, they may be conveyed to Pensacola in a short time, and, comparatively, with small expense to the General Government. Your memorialists are induced to believe, that half of the expenditures of the late war were included in the item of transportation; much would be saved, on this score, were Pensacola selected as a naval station, not only in the transportation of soldiery, but also in provisions, and the munitions of war. This desirable object would be more completely accomplished, should ever a communication be opened between the bay of Pensacola and the Mississippi and Mobile rivers. Another prominent advantage in favor of Pensacola, which gives it elevated claims on the patronage of the Government, is, that it is distinguished for the salubrity of its atmosphere and mildness of climate; it is a situation where her troops may always calculate on enjoying good health, and where it is represented that breadstuffs and other provisions, continue almost as long in a perfect state of preservation as in most of the Northern ports of the United States.

In addition to this, your memorialists will take the present occasion to remark, that a military force stationed at Pensacola would, in time of war, give efficient aid in the defence of New Orleans, as well as additional security to Louisiana, Mississippi, and Alabama, by presenting a formidable barrier, by which inroads through West Florida would be checked and prevented. This assistance could not, with any certainty, be obtained from Tampa Bay; and no other position, it is believed, can be selected, south of Pensacola, which promises the other important advantages we have described; in consequence of its remaining at a great distance from a dense population, and the difficulties of transportation, it cannot be so conveniently connected with the adjoining

States, and must rely for defence almost entirely upon regular troops, a much larger number of which will be necessarily required.

The occupation of Pensacola, with the necessary fortifications, is calculated to afford a more complete command over the commerce of the Gulf of Mexico, than any other position which could be selected on the Southern coast; with this peculiar advantage, the United States would exclude the shipping of an enemy, probably, from the only port in Florida in which they could anchor with safety, owing to the violence of the West India gales. Your memorialists are of the opinion, that there is no other harbor, save that of Havana, in which they could ride with security during a storm. But the benefits arising from the selection of Pensacola as a naval station, are not entirely of a negative character; we should not only be enabled to exclude the hostile armaments of foreign nations, but our own vessels could be protected from capture and disaster. The harbor of Pensacola will always be a place of secure retreat—a station from which expeditions may be fitted out without interruption, and from which the West India commerce of an enemy might receive the most successful annoyance. Were New Orleans assailed, Pensacola would be competent to afford co-operation for its defence, both by land and water, which could not fail to excite in the enemy the most fearful apprehensions; by our vigorous and well directed efforts her commerce would be cut off, her detachments captured, and, in the end, her surrender and retreat accomplished. The security of this place, then, is believed by your memorialists to be inseparably connected with the prosperity and defence of New Orleans, and the contiguous States. We, therefore, pray the attention of your Excellency to the subjects upon which we have taken the liberty to remark; and be assured, that those who give a different account of our Territory, are ignorant of its resources, or wantonly misrepresent it.

Resolved, by the Legislative Council of the Territory of Florida, That the Governor of this Territory be requested to forward a copy of the foregoing memorial to the President of the United States; and that another copy be delivered to the Delegate who may be elected to represent this Territory in Congress, to be laid before the Congress of the United States at their next session.

EDMUND LAW,

President of the Legislative Council.

Teste: ROBERT MITCHELL,

Clerk of the Legislative Council.

THE REVENUE LAWS.

[Communicated to the House, December 23, 1822.]
To the honorable the Senate and the honorable the House of Representatives.

The memorial of the merchants and others, interested in the commerce of Boston, in the county of Suffolk, and State of Massachusetts, respectfully sheweth:

That your memorialists are all either practically engaged in the foreign and coasting trade of this country, or otherwise highly interested in its commercial resources and revenues; that they have all either personally felt or witnessed the great evils and inconveniences resulting, both to Government and to individuals, from the oppressive operation of certain parts of the present system of the collection of the revenue laws of the United States. Your memorialists are well convinced that these injurious effects are such as could not have been contemplated or foreseen by the wise legislators, who have given them a code so admirably adapted, in a general view, to secure the rights of individuals, and the prosperity of the nation. They, therefore, feel it incumbent upon them, as citizens, able to estimate, and worthy to enjoy, the manifold blessings of a free Government, wisely administered, to lay before their representatives, in Congress assembled, a brief outline of these partial evils, for which their accustomed wisdom and discretion will, doubtless, find a speedy and appropriate remedy.

That they may not fatigue your honorable body with a minute enumeration of the inconveniences or defects which have been perceived in the present state of the laws relating to trade, which would oblige them to go somewhat at length into the details of the custom-house, your memorialists beg leave to present a classification of the supposed subjects of reform, and to give, under each head, a concise illustration of the causes of complaint.

The topics to which they would call the attention of this honorable body are:

1. The unnecessary multiplication of oaths in the proceedings of the custom-house.
2. The requiring of bonds in cases where no additional security is thereby afforded to the United States.
3. The exacting a compliance with certain formalities in impossible cases, and punishing the non-compliance as a projected fraud upon the revenues.
4. The delays, losses, and vexations, occasioned by the unnecessary detention of goods in the public warehouses of the United States.
5. The oppressive operation of the existing appraisement system.

Upon the first of these topics, your memorialists would only remark, that the solemnity of an oath is greatly diminished, and the danger of perjury proportionally enhanced by the frequency of repetition upon trivial occasions. Every oath unnecessarily administered is so much detracted from the security which the United States derive from that sanction, and contributes so much to the destruction of that good faith, which is the strong bond of civil society. For these reasons an oath ought never to be exacted, in the opinion of your memorialists, where it is not relied upon as the best evidence of the fact, which it is intended to establish. Among other instances in which this is not the case, your memorialists would mention, as a striking illustration, the provisions of the seventh section of the act of April 20, 1818, supplementary to an act, entitled "An act to regulate

the collection of duties on imports and tonnage," passed March 2, 1799, by which, it is enacted, that where imported goods, subject to ad valorem duties, are unshipped, and transported coastwise in the original packages, a copy of the invoice, verified by the oath of the importer, and certified by the collector, shall be produced at the final port of arrival, and then, that the same inspection shall take place as of a first importation. In this case, the original invoice must already have been authenticated by the oath of the party, by the provisions of the fifth section of the same act, and other acts yet continuing in force. The oath, therefore, required at the custom-house on such reshipment for coastwise transportation, is merely to support the fact, that the invoice there produced is a true copy of the original invoice, which fact is also to be certified by the collector, who, for that purpose, always requires the original invoice to be produced, that he may personally compare it with the copy. It is manifest, therefore, that the required oath is merely nugatory—the certificate of the collector being ample evidence of the fact. Besides all which, the goods having already undergone one inspection, are to undergo, at the port of arrival, another inspection, which is to be conducted as if there had been neither oath nor certificate in the case, or in other words, as if the goods were then, for the first time, imported into the United States. Upon this section it may farther be remarked, that the utmost facility is afforded to evasions by slight alterations in the form of package, since its provisions are applicable only to the case of reshipment of goods packed as imported, and it is only necessary to take a single piece of goods from a box to evade the requisition.

Under the second head, it would little become your memorialists to urge the hardship and oppression of exacting bonds where no additional security is afforded thereby to the United States; and they will only mention, as an exemplification of the fact, the bonds required on re-exportation of goods, by the 32d section of the above mentioned act of March 2, 1799, and the 2d section of an act supplementary thereto, passed February 22, 1805, conditioned to produce, within a limited term, certain certificates, that such goods were landed without the limits of the United States; or that they should not be landed within such limits, unless on due entry and payment, or security of the duties accruing thereon. Now, the other numerous provisions of the law are, as your memorialists conceive, perfectly sufficient to secure the United States against the landing of said goods, without due entry, within her jurisdiction; and they cannot be so entered unless the duties are first paid or secured. There can be no necessity, therefore, for any certificate, that such goods were landed without the United States, and, consequently, none for the bond requiring such certificate, or the payment of duties, which cannot but be paid whether such bond be given or not.

With regard to the exacting a compliance with formalities, in impossible cases, and punishing the non-compliance as a fraud, your memorialists will

Boston Memorial—Revenue Laws.

not affront this honorable body by arguing that such an operation of their laws could not have been intended by the wise framers thereof; but proceed to an exposition of facts, on which this part of the complaint is founded. The eighth section of the act of April 20, 1818, above mentioned, provides, that the invoice of goods imported by persons residing, and, at the time of such importation, being out of the United States, shall not only be verified in the manner required by the fifth section of said act, before the United States consul in the port or country of shipment, but shall likewise be authenticated by the certificate of said consul, or other magistrate there, duly qualified to administer oaths, that the owner or owners did, before him, make oath that he or they are not concerned in the manufacture of the goods so shipped; and the thirteenth section provides, that the want of such verification shall subject the owner to the penalties provided by the eleventh section in the case of fraudulent invoices. This oath, it will be perceived, is required to be made by the owner himself, and at the port or country of shipment; consequently, in all cases where the owner does not reside in the port or country whence a shipment, by his order, is made, a compliance with the law is either physically impossible, or so difficult and expensive as to render it practically unattainable; and yet, by non-compliance, he brings himself within the penalties of the act. Now, it not unfrequently happens, that persons associated together in trade, with the view of securing to themselves earlier and better information, and conducting their business in a manner more profitable to themselves, and of course more advantageous to their country, than they otherwise could do, agree that one of their number shall reside in Europe, vibrating from Italy to Ireland, for instance; and ordering shipments to the United States on account of his house in Boston, from Leghorn, when he himself is in Dublin; and from Bordeaux, when he is in London; as the exigencies of the times, and opportunity of markets, may require. It is impossible for this foreign resident to authenticate the invoices of such shipments, in the manner required, without passing over such distances of land and sea, as, from the necessary delay and expense of these movements, would completely frustrate the design of his importation; and yet, if any one of several joint owners be resident abroad, the custom-house officers insist that the penalty of the act has accrued. Cases yet stronger have come to the knowledge of your memorialists, where orders, for example, were given by American citizens residing in China, to their correspondents in different parts of Europe, to purchase and ship to them merchandise to a large amount, on account of themselves and their partners residing within the United States; but, for want of a direct opportunity, the merchandise is brought to the United States in transitu merely, and to be thence re-exported to China. The consignees, who are also part owners, finding a favorable home market for the merchandise, wish to dispose of the whole, or a part, in their own country, (by which they would enrich the revenue, and augment the

commercial resources of the nation, as well as consult their own private benefit) instead of forwarding them according to their original destination; but they are denied permission to enter such goods for sale, unless the forfeiture of the eleventh and thirteenth sections of the act is secured to be paid. This they consider tantamount to a prohibition; and thus, in the particular case which your memorialists have in their mind, upwards of eighteen thousand dollars of duties have been lost to the Government, (besides the loss and inconvenience to the owner and the country at large,) because a merchant in Canton did not, at the time he was in Canton, make oath in London and Amsterdam, that he is not a manufacturer. Many other instances might be enumerated of the unjust operation of this law, where goods have been imported in American vessels, and are in part owned by American citizens residing within the United States, because other owners, residing neither within the United States, nor in the country whence the shipment is made, have not made attestations in places where they have never been; notwithstanding the partners here are able to furnish the fullest evidence of the fact, that no one of the owners abroad is a manufacturer. Your memorialists will only add, that the provisions of this section are an absolute prohibition of the introduction of all foreign capital into the country, (greatly as it tends to the increase of the revenues and manifest advantage of the nation) in all cases, except only where the foreign merchant is also himself the shipper. Another illustration under this head is afforded by the fifth section of the same act, providing that the owner, in addition to the other verifications required by law, shall make oath that the invoice by him produced exhibits the true value of the goods at the place whence imported.

But it often happens that goods bought at a favorable moment, by a judicious agent, do actually cost less than the current market value at the time of shipment. In this case, the importer must, by the operation of the first section, produce the original invoice, exhibiting the actual cost; and must, by the operation of the fifth section, swear that this invoice exhibits the true value. But when, perceiving the fact to be otherwise, he declines taking such oath, he brings himself within the mischief of fraudulent invoices, according to the eleventh section, if the appraisers shall find the said goods to have been invoiced more than twenty-five per cent. below their true value. He is thus not only subjected to the payment of excessive duty, but stands without all power of defence, under the imputation of attempting a fraud upon the revenues; and he so stands because he could not, conscientiously, take an oath which he knew to be false. This is a case, therefore, somewhat stronger than those before noticed under the first head; since the oath required in this case is not merely unnecessary, but plainly repugnant; and the direct operation of the law is to hold out a reward to perjury in cases where detection would frequently be difficult, and sometimes impossible. And in this connexion it should be remarked, that

the very same difficulty occurs in cases where the true value, at the time of shipment, was less than the actual cost. The necessary effect of the provision is, that a judicious merchant, who, at a great expense of time and money, has established an agency abroad, which enables him, at certain seasons, and under circumstances which his experience has taught him to foresee and provide for, to purchase at favorable prices, loses all the advantages which he has thus lawfully acquired, and is placed in a far worse situation than if he had not taken these very measures, on the successful conduct of which his prosperity mainly depends.

The delays and vexations occasioned by the provisions concerning the detention of goods in the public warehouses, is strongly illustrated by the case contemplated in the first section of the very same act, where the original invoice is, by any accident, missing. The act then authorizes detention of the goods imported, at the expense and risk of the owner, until such invoice be produced; while the second section provides that the Secretary of the Treasury may, at his discretion, authorize the collector to enter such goods, after appraisement thereof, on bond being given for such invoice within a certain time, and the payment of all duties which shall be found due thereon. Your memorialists are most happy to state, that the evils naturally attending this and similar provisions, have been greatly alleviated by the manner in which the Secretary of the Treasury has exercised the discretion thus reposed in him by the law. But still much delay, and consequent loss, is unavoidable, from the very necessity of bringing the case before the Secretary at Washington, and waiting for the return of his decision thereon, protracted, as it must sometimes be, from the pressure of public business. It not unfrequently happens that the articles themselves are of a perishable nature, and require an immediate sale; yet, before one can possibly be effected, under this law, they must either wholly be lost, or become greatly deteriorated in value. And, after all, when leave of entry has been at length obtained, a bond is required, which, if required in the first instance, would have afforded perfect security to the United States, and avoided all delay and difficulty in the case. Besides, by way of hypothesis at least, it may be considered how it would be if the Secretary of the Treasury should, from any motive, refuse permission to enter such goods, notwithstanding the failure to produce the invoice were, clearly, not the effect of fraudulent design, (which, under the present Administration, indeed, never has, and we are confident never will occur.) It is manifest that the fair merchant would, thereby, be exposed to such enormous losses and embarrassments in his operations, as might terminate in irretrievable ruin.

The oppressive operation of the appraisement system will easily be perceived, by adverting to the several provisions above-mentioned, taken in connexion with the 11th, 12th, 13th, 14th, 15th, and 16th sections of the said act. These sections provide, substantially, that, whenever the collector

shall suspect goods, subject to ad valorem duty, to be invoiced below the true value, he shall order an appraisement, and if the appraised value exceed by 25 per cent. the invoice price, then the duties are to be laid on the aggregate sum, found by adding 50 per cent. besides the ordinary 10 or 20 per cent, to the appraised value; but if the appraised value shall exceed the invoice price by less than 25 per cent., then the duties shall be estimated on such appraised value, with the addition of 10 or 20 per cent. only; and where it falls short of the invoice price, the duties are still to be estimated according to the invoice. The want of the certificate required by the 8th section, subjects the importation to a similar appraisement and similar penalties, as in the case of fraudulent invoices. One-half the penalty exacted in all cases is divided among the custom-house officers, and the expenses of appraisement are, in all cases, to be borne by the owner, except when the invoice exceeds the appraised value. This whole system your memorialists cannot but consider injurious and oppressive in the extreme, since it subjects the most fair and honorable merchant to all the delay, expense, and vexation, and in some cases, as already intimated, to the very penalties provided for the fraudulent. A mere suspicion, on the part of the collector, that the invoice (although he may have no doubt that it accords with the actual cost, and that no fraud is intended) does not exhibit the true value, imperatively requires of him to cause an appraisement. This suspicion must necessarily be excited, and of course the appraisement must necessarily take place in every case where the invoice price is, in fact, either below or above the current market value, from the refusal of the importer to take the oath that such invoice does exhibit that which it never was intended to exhibit, namely, the ordinary rates of cost, instead of the cost in the particular instance. In the same way the appraisement must necessarily take place whenever any one owner resides without the United States, and the invoice is not authenticated by the certificate required in the 8th section, although it were impossible for him, from any one of many reasons, to furnish such authentication. When the appraisement takes place, it is necessarily productive of great delay and considerable expense, always falling upon the party who, without fault, has been put, by mere operation of law, and the integrity of his own conscience, in this embarrassing situation. The appraisers are bound, by their oaths, to find a fact which is often extremely difficult for them to arrive at with any tolerable accuracy, namely, the true value of goods, not as they have them before their eyes at the time and place of appraisement, but that value which they had in a foreign country and at a distant time, namely, the amount of shipment. Now, a very slight error in judgment in the estimate of their officers, brings the importer most unjustly within the penalty of the statute, and holds him up to the world as a defrauder of the revenues, and to add to the aggravation of his doom he stands in this light, without hope of redress; since it has been very recently decided by the circuit court of the United States,

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sitting in this district, that the judgment of the appraisers on the matter before them is final and conclusive. The arbitrary discretion thus vested in subordinate officers of the revenue, is, in the opinion of your memorialists, of a most alarming tendency; erecting a petty tyranny over the property and good fame of men, which is wholly adverse to the general spirit of our laws and institutions, and which may be productive of most serious consequences to some of the dearest rights of native Americans.

Your memorialists are indeed proud of the opportunity to bear public testimony, in the most unequivocal terms, to the uniformly upright, and honorable deportment of the collector of this district, and the good conduct of the inferior officers of the customs in general. It is to this fortunate circumstance, rather than the construction of the laws in relation to this subject, that your memorialists feel themselves bound to attribute much of their exemption from the oppression to which they might be otherwise subjected. This testimony is the more honorable to these men, because of the great inducements which the facility of the laws holds out to a profitable collusion between the Government appraisers and the other officers of this department; a species of collusion which it would be almost impossible to punish, because almost impossible to establish by legal proof. It is the collector, let it be remembered, whose suspi-

cion authorizes an appraisement. It is the subordinate officers whose information may afford at least a plausible pretext for suspicions. It is the regular appraisers on the part of the Government, who, being two out of three, of course, govern the appraisement. It is in the power of the appraisers on the part of the Government to affix their own value to every article, which has thus been brought before them. It is a power unlimited, and they are a tribunal without appeal! Finally, that motive may not be wanting to the abuse of this despotic sway, it is among the officers of the customs that one half of every penalty, accruing under the statute, is distributed by law; and surely it would not be very surprising, (should those offices be filled by men of a different stamp from those who now fill them,) if some portion of this bounty for corruption should find its way into the pockets of the appraisers themselves.

Your memorialists have already extended their illustration beyond their proposed limits; they will not trespass farther on the indulgence of this honorable body, but conclude by expressing their earnest desire, that such measures may be taken for the amendment of the revenue laws in the above mentioned and other obvious particulars, as the supreme councils of the nation shall in their wisdom direct. As in duty bound will ever pray.

T. H. PERKINS, and 200 others.

REPORT OF THE COMMISSIONERS OF THE SINKING FUND.

[Communicated to Congress, February 6, 1823.]

WASHINGTON, February 6, 1823.

The Commissioners of the Sinking Fund respectfully report to Congress:

That the measures which have been authorized by the Board, subsequent to the last report, of the 7th February, 1822, as far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to this Board, dated the 6th day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as a part of this report.

DANIEL D. TOMPKINS,
Vice President of the United States.
JOHN MARSHALL,
Chief Justice of the United States.
JOHN QUINCY ADAMS,
Secretary of State.
WILLIAM H. CRAWFORD,
Secretary of the Treasury.

The Secretary of the Treasury respectfully reports to the Commissioners of the Sinking Fund:

That the balance of moneys advanced on account of the public debt, remaining unexpended at the close of the year 1820, and applicable to payments falling due after that year—which balance, as appears by the statement B, annexed to the last annual report, amounted to - - - - - \$1,880 89
With the sums disbursed from the Treasury during the year 1821, on account of the principal and interest of the public debt amounting, as per the last annual report, to 8,367,093 62

And making together the sum of - - - - - \$8,368,974 51

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Have been accounted for in the following manner, viz :

There was applied, during the year 1821, towards the payment of the principal and interest of the public debt, as ascertained by accounts rendered to this Department, as per the annexed statement A, the sum of - - - - - \$8,403,563 49

Viz :

In the reimbursement of the principal of the deferred stock	-	-	-	-	-	\$533,808 47
In the payment of certain parts of the domestic debt	-	-	-	-	-	54 45
In the redemption of the Louisiana stock	-	-	-	-	-	2,071,360 00
In the redemption of Treasury notes	-	-	-	-	-	1,774 38
In the redemption of Mississippi stock	-	-	-	-	-	634,022 53
On account of the interest and charges	-	-	-	-	-	5,163,543 66

Making together the sum of - - - - - \$8,403,563 49

Of this sum there was short provided, consisting of unclaimed dividends on the public debt, not applied for by the proprietors, as per the annexed statement B, the sum of 34,588 98

Leaving (as above) the sum of - - - - - \$8,368,974 51

That during the year 1822, the following disbursements were made by the Treasury, on account of the principal and interest of the public debt, viz :

On account of the interest of the domestic debt, and reimbursement of the principal of the deferred stock	-	-	-	-	-	\$5,739,760 62
On account of the redemption of Louisiana stock	-	-	-	-	-	5,294 12
On account of the redemption of Mississippi stock	-	-	-	-	-	23,388 94
On account of the redemption of Treasury notes	-	-	-	-	-	277 00
In payment of certain parts of the domestic debt	-	-	-	-	-	438 99
In payment of certain parts of the six per cent. stock of 1796	-	-	-	-	-	80,000 00
In payment of certain parts of the six per cent. stock of 1820	-	-	-	-	-	2,000,000 00

Making together, as appears by the annexed statement C, the sum of - - - \$7,849,159 67

Which disbursements were made from the appropriation of ten millions of dollars for the year 1822, and will be accounted for in the next annual report, in conformity to accounts which shall then have been rendered to this Department. In the mean time, the manner in which the said sum has been applied is estimated as follows :

To the payment of the deficiency at the end of 1821, as per statement B	-	-	\$34,588 98
In the reimbursement of the deferred stock	-	-	506,588 75
In the payment of Treasury notes	-	-	277 00
In the payment of Louisiana stock	-	-	5,294 12
In the payment of Mississippi stock	-	-	23,388 94
In the payment of certain parts of the domestic debt	-	-	438 99
In the payment of the six per cent. stock of 1796	-	-	80,000 00
In the payment of the six per cent. stock of 1820	-	-	2,000,000 00

Making together the sum of - - - - - \$2,710,507 78

And in the payment of interest on the funded debt for 1822, estimated at \$5,154,268 26
Deduct this sum short provided, per estimate E - - - - - 15,685 37

5,138,582 89

Making together (as above) the sum of - - - - - \$7,849,159 67

A statement (F) is annexed, which exhibits the balance of the annual appropriation of \$10,000,000, unexpended on the 1st of January, 1828; and a statement (marked G) of the funded debt on the 1st of January, 1823.—All which is respectfully submitted.

WILLIAM H. CRAWFORD, *Secretary of the Treasury.*

State of the Sinking Fund.

F.—Statement of the appropriation of ten millions of dollars by the second section of the "Act to provide for the redemption of the Public Debt," passed 3d March, 1817.

Application, per statement G. which accompanied the report of the Commissioners of the Sinking Fund, of the 7th February, 1822, viz:

In 1817	-	-	-	-	-	-	-	-	\$10,000,000 00
Do. in anticipation of the appropriation for 1818	-	-	-	-	-	-	-	-	2,830,108 52
									<hr/>
									* 12,830,108 52
In 1818	-	-	-	-	-	-	-	-	7,169,891 48
1819	-	-	-	-	-	-	-	-	7,703,821 87
1820	-	-	-	-	-	-	-	-	8,628,514 28
1821	-	-	-	-	-	-	-	-	8,367,093 62
Application in 1822, per the accompanying report	-	-	-	-	-	-	-	-	7,849,159 67
Balance applicable to payments after the 31st December, 1822	-	-	-	-	-	-	-	-	7,451,410 56
									<hr/>
									\$60,000,000 00
									<hr/>
Appropriation for 1817	-	-	-	-	-	-	-	-	\$10,000,000 00
Do. 1818	-	-	-	-	-	-	-	-	10,000,000 00
Do. 1819	-	-	-	-	-	-	-	-	10,000,000 00
Do. 1820	-	-	-	-	-	-	-	-	10,000,000 00
Do. 1821	-	-	-	-	-	-	-	-	10,000,000 00
Do. 1822	-	-	-	-	-	-	-	-	10,000,000 00
									<hr/>
									\$60,000,000 00

TREASURY DEPARTMENT, REGISTER'S OFFICE, February 3, 1823.

JOSEPH NOURSE, Register.

G.—Statement of the Funded Debt of the United States, on the 1st January, 1823, with its redemption for 1821 and 1822.

Reimbursement of the deferred stock, in 1821	-	-	-	-	-	\$533,808 47
Reimbursement of the 6 per cent. stock, of 1796, in 1822	-	-	-	-	-	80,000 00
Reimbursement of the 6 per cent. stock of 1820, in 1822	-	-	-	-	-	2,000,000 00
Amount of the funded debt 1st January, 1823, subject to a reduction on account of the reimbursement of the deferred stock, in 1822	-	-	-	-	-	a 91,343,999 69
						<hr/>
						\$93,957,808 16

Amount of the funded debt on the 1st January, 1822, per statement H, which accompanied report of February, 1822	-	-	-	-	-	\$93,957,665 14
Add 3 per cent. stock issued in 1822	-	-	-	-	-	143 02
						<hr/>
						\$93,957,808 16

Amount of the debt on the 1st January, 1823, as above stated, brought down	-	-	-	-	-	91,343,999 69
Deduct estimated amount of deferred stock, reimbursed in 1822	-	-	-	-	-	566,568 09
						<hr/>

Amount per statement (3) which accompanied the Secretary's report of 23d December, 1822	-	-	-	-	-	\$90,777,431 60
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a Consisting of deferred stock with reimbursement for 1822	-	-	-	-	-	\$1,526,077 06
Three per cent.	-	-	-	-	-	13,296,099 06
Exchanged 6 per cent. of 1812	-	-	-	-	-	2,668,974 99
						<hr/>
						\$17,491,151 11

* In addition to this amount, there was applied in 1817, the sum of \$9,000,000, appropriated by the 3d section of the act above recited, and accounted for in the report of the Commissioners of the Sinking Fund, of the 7th February, 1818.

Outstanding Custom-House Bonds, &c.

Six per cent. of 1812	-	-	-	-	-	6,187,006	84
Six per cent. of 1813	\$16,000,000	-	-	-	-	15,497,818	63
Do.	7,500,000	-	-	-	-	6,812,845	44
Six per cent. of 1814	-	-	-	-	-	13,001,437	63
Six per cent. of 1815	-	-	-	-	-	9,490,099	10
Seven per cent.	-	-	-	-	-	8,606,355	27
Treasury notes six per cent.	-	-	-	-	-	1,465,285	47
Five per cent. subscription to the Bank of the United States	-	-	-	-	-	7,000,000	00
Five per cent. of 1820	-	-	-	-	-	999,999	00
Five per cent. of 1821	-	-	-	-	-	4,735,296	30
Exchanged five per cent. 1822	-	-	-	-	-	56,704	77
							73,852,848 58
							\$91,343,999 69

TREASURY DEPARTMENT, REGISTER'S OFFICE, February 3, 1823.

JOSEPH NOURSE, Register.

OUTSTANDING BONDS, &c.

[Communicated to the House, February 8, 1823.]

Letter from the Secretary of the Treasury, transmitting (pursuant to a resolution of the House of Representatives, of 9th January last,) a statement of outstanding custom-house bonds of the 1st October, 1822: a statement of bonds taken for duties on merchandise, and debentures issued for drawback, from 1st January, 1821, to 30th September, 1822: a statement of the net amount of revenue on merchandise, tonnage, &c.; of payments into the Treasury, and expenses of collection of the same, on 31st December of the years 1816, '17, '18, '19, '20, and 1821; and a statement of the whole amount of the unexpended balance of the Sinking Fund, distinguishing each year since 1817.

TREASURY DEPARTMENT,
February 5, 1823.

SIR: In obedience to a resolution of the House of Representatives, of the 9th ultimo, directing the Secretary of the Treasury to report to the House "a statement of the custom-house bonds outstanding on the 1st day of December, 1822, and falling due within the year 1823, with the amount of debentures chargeable upon the same, and the probable expense of collection:"

Also, "a statement of the amount of bonds outstanding on the 1st January, 1821, and at the commencement of each quarter during the year, with the debentures chargeable upon the same, at the respective periods."

Also, "the amount of revenue from customs, which will probably accrue in the year 1823, and the portion thereof which will probably be received in the course of that year, stating the average amount which has been received on the customs accrued within each year since 1816, inclusive."

Also, "a statement of the whole amount of the unexpended balances of the Sinking Fund, distinguishing each year since 1817; and on what principle he distinguishes the balances that will

accrue against that fund in 1823 and 1824, from those of preceding years, by which he proposes, in his annual report of 22d December, 1822, to charge the estimated unexpended balance of 1823 and 1824, upon the revenue of 1825;" I have the honor to submit the statements, required by the resolution, as far as it has been practicable to form them, from the records and files of the Department.

The statement showing the amount of bonds outstanding upon the 1st of December, 1822, is defective: First, the monthly schedules of the bonds, for the months of October and November, have not been received from some of the collectors: Second, because the monthly schedules, almost always, in the principal districts, contain bonds for duties which accrued several months before; and, third, because the duties upon merchandise deposited in the public stores are secured by duty bonds only when they are removed from them; and it is only then that they appear in the monthly schedules. When the deposit is made, a bond is given without sureties, the merchandise being the substitute for them.

From these facts, it is apparent that the amount of duties which accrued during the several quarters of each successive year, as exhibited in the quarterly accounts of the collectors, rendered to the Comptroller for settlement, always considerably exceeds the amount exhibited in the monthly schedules of bonds rendered to the Secretary of the Treasury.

It may be proper to observe that, to ascertain the amount of duties which accrued during the year 1822, that will be payable in 1823, the bonds taken in the month of December, and those in the months of October and November, which have not yet been reported to the Department, and those which may be hereafter liquidated for duties which accrued in the year 1822, and which will be payable in 1823, must be added to the amount represented in statement No. 1, as becoming due in the present year. When these sums shall be ascertained, and added to that amount, it is presumed that it will be increased to at least \$19,000,000.

Outstanding Custom-House Bonds, &c.

In order that statement No. 1 may be correctly understood, it is necessary to state, that the amount of bonds outstanding on the 1st of October, has been ascertained from the quarterly accounts of the collectors rendered to the Comptroller for settlement, and, consequently, contains the amount of duties on merchandise deposited in the public stores. The rest of the statement is formed from the schedules of bonds rendered to the Secretary of the Treasury. The difference between the amount of bonds estimated to be outstanding on the 1st December, 1822, and the amount estimated to become due in 1823, is accounted for as follows:

1. Bonds payable in December, 1822, amounting to - - - - -	\$2,239,055
2. Bonds in suit the 1st December, 1822, amounting to - - - - -	2,818,427
3. Bonds falling due in 1823, amounting to - - - - -	17,426,257
4. The amount of bonds falling due in 1824, estimated at - - - - -	226,409
5. The amount of duties which have accrued upon merchandise deposited in the public stores, estimated at - - - - -	1,319,048

Which several sums make the aggregate amount, as stated in No. 1, of - - - - - \$24,129,196

Of the last item, it is probable, that a considerable proportion will be payable during the year 1823, but it is impracticable to offer any other than a conjectural estimate of that proportion.

The quarterly accounts rendered by the collectors to the Comptroller, for settlement, present in detail the amount of duties secured during the quarter for which they are rendered. They distinguish between bonds which are not due, and those which are in suit; but, as they are entered in the statement in the order in which they were liquidated, they do not show the amount which will become due within twelve months from the expiration of any given year, nor within any subdivision of that period. They, however, present the dates of the bonds, and the dates at which they become due. By a detailed dissection of these quarterly accounts, it might now be ascertained what proportion of the duty bonds which were outstanding on the 31st day of December, 1820, were payable within the year 1821, and, consequently, what proportion of the duties which accrued in 1821, were paid within that year. After the dissection was completed, from the amount thus ascertained, should be deducted, 1st. The amount of bonds thus becoming due, which were not paid within the year: and 2d. The amount received from bonds in suit previously to the year 1821. The difference between the amount thus obtained, and the total receipts from duties, during the year, will be the sum received from duties which accrued within the year; and if to this difference should be added the amount of bonds taken for duties which accrued within the year, which, be-

coming due within the year, were not paid, the whole amount of duties which accrued within the year 1821, that were payable within that year, will be ascertained. The same result may be obtained for the year 1822, as soon as the amount of the receipts during the year are ascertained. But when it is known that the average number of duty bonds annually liquidated is estimated at more than fifty thousand, the reason why no attempt has been made, since the organization of the Government, to obtain the results required by the resolution, will be readily perceived. The benefit which would result from the possession of the information to be thus acquired, has, it is presumed, been considered by my predecessors in office, not sufficient to justify the labor and expense which would be necessary to obtain it.

If I have satisfactorily shown, that this information can be acquired only for the years that are past, it will readily be perceived that it is wholly impracticable to show the amount of the duties which are yet to accrue in 1823, that will be payable within that year. The most that can be offered in obedience to that part of the resolution, is a conjectural estimate of the amount. When there are no sudden or violent fluctuations in the amount of importations, and of re-exportations for benefit of drawback, it is considered safe to estimate the receipts of the year ensuing the date of each annual report, equal to the amount of duty bonds outstanding and payable within the year. Such an estimate is founded upon the presumption, that the receipts within the year from duties accruing within the same period, will be equal to the amount of debentures and expenses of collection chargeable upon the revenue of the year. If the importations should fall considerably short of those of the preceding year, or if the amount of debenture, issued and chargeable upon the receipts of the year, should be considerably increased, the receipts would necessarily be less than the amount estimated. But, if the reverse of this state of things should occur, the receipts would necessarily exceed the amount estimated. Such has been the case during the last year; the receipts have consequently considerably exceeded the estimates for that year. From the data in the possession of the Department at the date of the last annual report, the receipts from the customs, during the year 1823, were estimated. The facts since disclosed, tend to confirm the correctness of that estimate.

Statement No 4 exhibits the annual surplusses of the Sinking Fund from the year 1817 to the year 1822, inclusive, and the estimated surplusses of the years 1823 and 1824.

In reply to so much of the resolution as requires me to state upon what principle the balances that will accrue in the years 1823 and 1824, are distinguished in the annual report of the 22d of December, 1822, from those of preceding years, I have the honor to submit the following facts and observations. By reference to the several acts of Congress, passed from the 4th of August, 1790, to the 3d of March, 1795, inclusive, providing for the redemption of the public debt, and creating the Sinking Fund, it will be seen that no specific sum

Outstanding Custom-House Bonds &c.

was appropriated to that object. The act of the 8th of May, 1792, and that of the 3d of March, 1795, after making reservations of the public revenue for the discharge of the current expenses, appropriate the proceeds of the duties upon imports and tonnage, and of other duties and taxes, of the sales of public lands, of the bank dividends, of the debts due the United States, before the present organization of the Government, and lastly of all the "surplusses of the revenues of the United States, which shall remain at the end of any calendar year, beyond the amount of the appropriations charged upon the said revenues, and which, during the session of Congress next thereafter, shall not be otherwise specially appropriated or reserved by law." These two acts, and the act of the 4th of August, 1790, form, together, what has generally been denominated the Funding System. In these acts, provision was made for converting the public debt into a funded debt; and the funds set apart by them for the payment of the interest, and redemption of the principal, of the public debt, in its new form, were declared to be vested in the Commissioners of the Sinking Fund, in trust, to be applied to the redemption of the said debt, including such loans as might be obtained by virtue of the said acts, until the same should be fully reimbursed; and the faith of the United States was thereby "pledged that the moneys, or funds aforesaid, shall inevitably remain, and be appropriated and vested as aforesaid, to be applied in the said reimbursement and redemption in manner aforesaid, until the same shall be fully and completely effected."

The pledge, thus solemnly given, acquired additional force from the circumstance of its being offered as an inducement to the public creditors to accept of the terms presented in those acts, which changed the nature and conditions of the then existing debt. The sixteenth section of the same act, of the 3d of March, 1795, creates the surplus fund, and exempts from its operation all the funds appropriated to the Sinking Fund. This exclusion was the necessary consequence of the sacred character given by that very act to the funds constituting the Sinking Fund. This mode of reasoning, and of viewing the subject, was adhered to until the change of the Administration of the Union in March, 1801. At the commencement of that Administration, several laws were in force which imposed taxes, the proceeds of which formed a part of the Sinking Fund, that were considered onerous, and consequently produced dissatisfaction in the nation. If the pledges made of their proceeds to the Sinking Fund placed them beyond the control of the legislative authority, it was clearly perceived that the most odious system of taxation might be perpetuated against the decided will of the nation. The question was maturely examined, and the result of that examination was presented to the nation in the provisions of the act of the 29th of April, 1802. The first section of this act appropriated so much of the duties on merchandise and tonnage, as, together with the moneys other than surplusses of revenue, which then constituted the Sinking Fund, or

should accrue to it by provisions previously made, as would amount to the annual sum of \$7,300,000, and which was declared to be vested in the Commissioners of the Sinking Fund, and that it should continue to be appropriated and applied by them, until the principal of the public debt should be reimbursed and redeemed; with a proviso, that, "after the whole of the said debt, the old six per cent. stock, the deferred stock, the 1796 six per cent. stock, and the three per cent. stock, excepted, shall have been reimbursed or redeemed, any balance of the sums annually appropriated by this act, which may remain unexpended at the end of six calendar months, next succeeding the end of the calendar year to which such annual appropriation refers, shall be carried to the surplus fund, and cease to be vested, by the authority of this act, in the Commissioners of the Sinking Fund." By the provision here recited, the appropriation to the Sinking Fund was, in a few years after its date, subjected to the operation of the principle of the 16th section of the act of the 3d of March, 1795, which created the surplus fund. The only difference between this and other appropriations, in relation to the surplus fund, was, that it was subject to be carried to the account of it eighteen months sooner than other appropriations. The exception of the Sinking Fund, in the said section, from the operation of the principle established by it, was rendered a nullity, and virtually repealed. The act of the 29th of April, 1802, remained in full force until the 3d of March, 1817, when an act was passed, the first section of which repealed "so much of any act or acts of Congress as make appropriations for the purchase or reimbursement of the principal, or for the payment of the interest, of the funded debt of the United States." It has been already stated, that the first section of the act of the 29th of April appropriated \$7,300,000, and that a proviso to the said section directed, after certain parts of the funded debt shall have been redeemed, any balance of that appropriation that might remain six months after the end of the year to which it shall refer, to be carried to the amount of the surplus fund. The act of the 3d of March, 1817, either repeals this proviso, or it does not. If it does not repeal it, the balance of the appropriation of ten millions, for the year 1824, which may remain unexpended on the 31st of December, of that year, will be the only sum demandable by the Commissioners of the Sinking Fund in 1825, beyond the appropriation of \$10,000,000 for that year. If it does repeal the proviso, the question then recurs, what disposition do the existing laws make of the surplusses of that appropriation, since the 3d of March, 1817. It has been inferred, in the annual report to which the resolution refers, that they are subject to be carried to the account of the surplus fund, at the end of two calendar years from the expiration of the year to which such appropriations may severally refer. This inference is founded, 1st, upon the fact that the exception in the section creating the Sinking Fund, having been rendered null, and virtually repealed by the act of the 29th of April, 1802, is not revived by the repeal of the proviso

Outstanding Custom-House Bonds, &c.

to the first section of the act. It is admitted, that, when an act is passed simply to repeal another, it has been contended by jurists, that an act simply repealing the latter act, is a virtual re-enactment of the provisions of the first act; but to apply this rule to an act incidentally repeating some provision of another act with which its general enactments are but slightly, if at all, connected, cannot, it is believed, be seriously supported.

If, however, any doubt should exist upon this question, the consideration that the circumstances which led to the exclusion of the appropriations to the Sinking Fund from the operation of the principle upon which the surplus fund was established, were entirely changed by the act of the 29th of April, 1802, is entitled to great weight. Since that act, the reason of the exclusion has ceased to exist, and the maxim of law, "cessante ratione, ipsa cessat lex," applies with full force. To consider the repeal of the proviso of the first section of that act as virtually reviving the exception contained in the sixteenth section of the act of the 3d of March, 1795, would be in direct opposition to the principle of that law maxim.

The question, however, will be submitted to the Commissioners of the Sinking Fund, for their decision, whenever it shall occur, unless legislative provision shall, in the interim, be interposed.

I have the honor to be, &c.

WM. H. CRAWFORD.

Hon. P. P. BARBOUR,
Speaker of the House of Representatives.

TREASURY DEPARTMENT,
Register's Office, Feb. 4, 1823.

SIR: I have the honor to transmit the following statements, formed in pursuance of a resolution of the House of Representatives of the United States, of the 9th of January, 1823:

1. A statement of outstanding custom-house bonds for duties on merchandise, on the 1st of October, 1822, amounting to - - \$24,054,599

Of which, it is estimated, there will fall due and be payable in the year 1823 - - - - - 17,351,660

2. A statement of the balances of outstanding bonds, taken for duties on merchandise, and debentures issued for drawback on merchandise exported, commencing on January 1st, 1821, and ending on the 20th September, 1822.

3. A statement, exhibiting the net amount of revenue which accrued from duties on merchandise, tonnage, &c.; of payments made into the Treasury, and expenses of collection of the same, on the 31st December of the years 1816, '17, '18, '19, '20, and '21.

4. A statement of the whole amount of the unexpended balance of the Sinking Fund, distinguishing each year since 1817.

I am, with great respect, yours, &c.,

JOS. NOURSE, *Register.*

Hon. WM. H. CRAWFORD,
Secretary of the Treasury.

No. 1.

Bonds for duties on merchandise, outstanding 1st October, 1822, as per quarterly accounts current of collectors, (a) - - - \$23,911,732 00

Schedules received of bonds taken for duties in the months of October and November, 1822, (b) 3,648,913 00

\$27,560,645 00

Returns received of bonds paid in October and November, 1822, (c) 3,431,449 00

Estimated amount outstanding 1st December, 1822 - - - \$24,129,196 00

Of which amount, payable in the year 1823, (d) - - - \$17,426,257 00

Amount of bonds estimated to be outstanding, 1st December, 1822 \$24,129,196 00

Bonds payable in December, 1822 - \$2,339,055 00

Bonds in suit, first December, 1822 - 2,818,427 00

Bonds payable in the year 1823 - 17,426,257 00

Bonds payable in the year 1824 - - 226,409 00

22,810,148 00

Difference - - - \$1,319,048 00

This difference consists, in part, of the bonds given, without sureties, on a deposit of goods, being improperly included, in some of the ports, in the quarter yearly returns of bonds taken and discharged; which deposit bonds, it will be seen, are included in the item of \$23,911,732, which item has, therefore, been proportionably increased beyond what it ought to be; but the precise amount cannot be well ascertained, the bond accounts not being sufficiently explicit.

To account for the whole of the difference in a satisfactory manner, is rendered impracticable, from the deficiencies in the returns already alluded to. It may also be observed that the correctness of the monthly returns made cannot be relied on, as they are not used in any settlements, but merely serve as a kind of estimates.

(a) It may be proper to observe, in respect to this item, that, in some of the large ports, it includes bonds given without sureties, for duties on goods deposited in the public stores, for which duties, bonds, with sureties, are given when the goods are removed, but the latter bonds only appear in the monthly schedules rendered to the office of the Secretary of the Treasury.

(b) The returns being incomplete, the actual amount of bonds taken in the months of October and November, 1822, cannot be ascertained.

(c) The same remark applies as well to this item as to item (d.)

Outstanding Custom-House Bonds, &c.

No. 2.

A Statement, exhibiting the net amount of revenue which accrued from duties on merchandise, tonnage, &c., of payments made into the Treasury, and of expenses of collection of the same, during the years ending on the 31st of December, 1816, 1817, 1818, 1819, 1820, and 1821.

Years.	Net revenue.	Payments made into the Treasury.	Expenses of collection.
1816 - - - - -	\$24,484,100 36	\$36,306,874 88	\$816,373 50
1817 - - - - -	17,524,775 15	26,293,348 49	744,810 66
1818 - - - - -	21,828,451 48	17,176,385 00	746,422 15
1819 - - - - -	17,116,702 96	20,283,608 76	782,925 40
1820 - - - - -	12,449,556 15	15,005,612 15	767,222 00
1821 - - - - -	15,898,434 42	13,004,447 15	693,167 13

TREASURY DEPARTMENT, Register's Office, Feb. 4, 1823.

JOSEPH NOURSE, Register.

No. 3.

A Statement, exhibiting the balances outstanding of bonds taken for duties on merchandise imported, and debentures issued for drawback on merchandise exported, commencing on the 1st of January, 1821, and ending on the 30th of September, 1822; prepared in obedience to a resolution of the House of Representatives of the 9th of January, 1823.

PERIOD.	Balances outstanding.	
	Bonds.	Debentures.
On 1st January, 1821 - - - - -	\$17,116,100	\$1,772,365
On 31st March, 1821 - - - - -	15,974,669	1,396,137
On 30th June, 1821 - - - - -	17,046,019	1,474,555
On 30th September, 1821 - - - - -	18,171,541	1,267,921
On 31st December, 1821 - - - - -	18,983,864	1,047,013
On 31st March, 1822 - - - - -	18,285,954	1,014,014
On 30th June, 1822 - - - - -	21,904,178	1,272,297
On 30th September - - - - -	23,911,732	1,486,693

TREASURY DEPARTMENT, Register's Office, Feb. 4, 1823.

JOSEPH NOURSE, Register.

Amount of debentures outstanding on the 1st day of December, 1822 - - - - -	\$2,055,036 49
Amount payable in 1823 - - - - -	1,394,086 80
Amount of bonds in suit, December 1, 1822 - - - - -	2,818,427 23

No. 4.

Statement of the appropriation of ten millions of dollars by the second section of the act to provide for the redemption of the public debt, passed 3d March, 1817.

Payments, in 1817, of the principal and interest of the public debt - - - - -	\$12,830,108 52
Balance, being so much applied in 1817, in anticipation of appropriation for 1818 - - - - -	\$2,830,108 52
Payments, in 1818, of principal and interest - - - - -	7,169,891 48
	<u>\$10,000,000 00</u>

Outstanding Custom-House Bonds, &c.

Payments, in 1819, of principal and interest	-	-	-	-	-	\$7,703,821	87
Balance of appropriation for 1819, unexpended	-	-	-	-	-	2,296,178	13
						<u>\$10,000,000</u>	<u>00</u>
Payments, in 1820, of principal and interest	-	-	-	-	-	\$8,628,514	28
Balance of appropriation for 1820, unexpended	-	-	-	-	-	1,371,485	72
						<u>\$10,000,000</u>	<u>00</u>
Payments, in 1821, of principal and interest	-	-	-	-	-	\$8,367,093	62
Balance of appropriation for 1821, unexpended	-	-	-	-	-	1,632,906	38
						<u>\$10,000,000</u>	<u>00</u>
Estimate of application in 1822	-	-	-	-	-	7,840,159	67
Do. balance of appropriation unapplied	-	-	-	-	-	2,150,840	33
						<u>\$10,000,000</u>	<u>00</u>
Estimate of application for 1823	-	-	-	-	-	\$5,602,000	00
Do. balance of appropriation which will be unapplied	-	-	-	-	-	4,398,000	00
						<u>\$10,000,000</u>	<u>00</u>
Estimate of application for 1824	-	-	-	-	-	\$5,314,000	00
Do. balance of appropriation which will be unapplied	-	-	-	-	-	4,686,000	00
						<u>\$10,000,000</u>	<u>00</u>
Balances of appropriation at the end of each year, brought down,							
viz: 1819	-	-	-	-	-	\$2,296,178	13
1820	-	-	-	-	-	1,371,485	72
1821	-	-	-	-	-	1,632,906	38
1822	-	-	-	-	-	2,150,840	33*
							\$7,451,410 56
1823	-	-	-	-	-	\$4,398,000	00
1824	-	-	-	-	-	4,686,000	00
							<u>9,084,000 00</u>
Total estimated balance which will remain unapplied on the 1st January, 1825							<u>\$16,535,410 00</u>
Appropriation for 1817	-	-	-	-	-	\$10,000,000	00
Balance, being in anticipation in 1817, of appropriation for 1818	-	-	-	-	-	2,830,108	52
						<u>\$12,830,108</u>	<u>52</u>
Appropriation for 1818	-	-	-	-	-	\$10,000,000	00
Appropriation for 1819	-	-	-	-	-	\$10,000,000	00
Appropriation for 1820	-	-	-	-	-	\$10,000,000	00
Appropriation for 1821	-	-	-	-	-	\$10,000,000	00
Appropriation for 1822	-	-	-	-	-	\$10,000,000	00
Appropriation for 1823	-	-	-	-	-	\$10,000,000	00
Appropriation for 1824	-	-	-	-	-	\$10,000,000	00

TREASURY DEPARTMENT, REGISTER'S OFFICE, *January 31st, 1823.*JOSEPH NOURSE, *Register.*

* This sum will be exhibited in statement F, of the report of the Commissioners of the Sinking Fund, of the ensuing week.—See *ante*, page 1291, 1292.

Colored Seamen in the Port of Charleston.

MEMORIAL OF MASTERS OF AMERICAN VESSELS.

[Communicated to the House, Feb. 19, 1823.]

To the honorable the Senate and House of Representatives of the United States in Congress assembled.

The petition of the undersigned masters of American vessels, lying in the port of Charleston, South Carolina, sheweth :

That the mariners employed on board of their vessels are such persons as the laws of the United States require—native and naturalized American seamen; that many of these are free colored persons, native citizens of the United States; that, on the 21st day of December, 1822, the Legislature of South Carolina passed an act, which not only deprives us of the services of our colored mariners, but subjects our vessels to a considerable expense and detention; and they have provided, by the said act, that if any vessel shall come into any port or harbor of this State, from any other State or foreign port, having on board any free negroes, or persons of color, as cooks, stewards, or mariners, or any other employment on board said vessels, such free negroes and persons of color shall be liable to be seized and confined in prison, until the vessel they were attached to shall clear out and depart from the State; and, when said vessel is ready to sail, the captain or master of said vessel shall be bound to carry away the said free negro, or person of color, and pay the expenses of his detention; and, in case of his neglect or refusal so to do, he shall be liable to be indicted, and on conviction thereof shall be fined in a sum not less than one thousand dollars, and to be imprisoned not less than two months; and such free negroes and persons of color shall be deemed and taken as absolute slaves, and sold, in conformity to the provisions of the act passed on the twentieth day of December, 1820. That, since the passage of the act of 1822, several vessels, under the command of many of your petitioners, have arrived in the port of Charleston, all of which had on board, as cooks, stewards, or mariners, free persons of color, native citizens of the United States; that, upon the arrival of the said vessels in Charleston, they were visited by the sheriff of Charleston district, or his deputies, and all free persons of color, native citizens of the United States, were seized, (without a writ or any crime alleged,) and forcibly taken out of the vessel and lodged in the jail of the State; that, thereupon, one of your petitioners, Captain Jared Bunce, of the Georgia packet, a regular trader between Philadelphia and Charleston, did appeal to a court of the State of South Carolina for a habeas corpus, to inquire into the cause of the arrest and detention of Andrew Fletcher (steward) and David Ayres, (cook,) both free colored persons, and native citizens of the United States; that the said writ being allowed by the said court, and the sheriff having returned that they had been arrested and imprisoned under the beforementioned act of 1822, and a motion having been made for their discharge, on the ground that the said act was

contrary to the Constitution of the United States, and the court having determined that the said act was not unconstitutional, the case in question was removed, by appeal, to the highest tribunal of the State, where, after argument, the said court being divided in opinion, the case was suspended, and the prisoners were deprived of the relief for which they moved, and do still remain in confinement.

The undersigned petitioners have therefore been induced to submit their grievances before the General Government, to relieve them from the effects of an act which they believe is in violation of the Constitution of the United States, and of the authority of the Federal Head.

That the act in question does destroy the liberty of freemen, and regulates commerce by interfering with the freedom of navigation, and the employment of seamen, must be apparent, when it is seen that the object of it is to expel from all vessels entering the ports of South Carolina all free persons of color.

Your petitioners pray that the Government of the United States will interpose in their behalf, and will adopt such energetic measures as will relieve them from the situation they are laboring under, by exposing their free colored mariners to an unlawful imprisonment, and their vessels to an enormous and unnecessary expense and detention.

CHARLESTON, S. C., Feb. 7, 1823.

Jared Bunce,	James Church,
William Brown,	Reuben Cousins,
Nathan Cook,	William Cole,
Stephen Perry,	Thomas H. Robins,
Geo. I. Prince,	Joel Johns,
C. Petham,	Beriah Waite,
Joseph Porter,	Phincas Drinkwater.
Charles Votée,	Samuel York,
Daniel L. Kurtz,	Joseph Crawford,
John Smith,	C. E. Hammett,
John Allen,	W. W. Benthams,
James W. Low,	Thomas Bridges,
James Newell,	Thomas Baker,
John Taggart,	Wm. Farnsworth,
Cyril Martin,	James Ancy, jr.,
Joseph Strout, jr.,	Francis Davis,
John Burrill,	Joseph Bowditch,
Nathaniel Foster,	Ozias Budington,
Wm. Morrill,	Timothy Wightman,
Ezra Drew,	Elisha Beckwith.
Richard Girdler,	

An Act for the better regulation and government of free negroes and persons of color, and for other purposes.

Be it enacted by the honorable the Senate and House of Representatives now met and sitting in General Assembly, and by the authority of the same, That, from and after the passing of this act, no free negro, or person of color, who shall leave this State, shall be suffered to return; and every person who shall offend herein, shall be liable to the penalties of the act, passed on the twentieth day of December, in the year one thousand eight hundred and twenty, entitled "An act to restrain

Colored Seamen in the Port of Charleston.

the emancipation of slaves, and to prevent free persons of color from entering into the State, and for other purposes."

And be it further enacted by the authority aforesaid, That every free male negro, or person of color, between the age of fifteen and fifty years, within this State, who may not be a native of said State, or shall not have resided therein five years next preceding the passing of this act, shall pay a tax of fifty dollars per annum; and, in case said tax shall not be paid, the said free male person of color shall be subject to the penalties of the act against free persons of color coming into this State, passed on the twentieth day of December, one thousand eight hundred and twenty.

And be it further enacted by the authority aforesaid, That, if any vessel shall come into any port or harbor of this State, from any other State or foreign port, having on board any free negroes, or persons of color, as cooks, stewards, mariners, or in any other employment on board said vessels, such free negroes or persons of color shall be liable to be seized and confined in jail until said vessel shall clear out and depart from this State: and that, when said vessel is ready to sail, the captain of said vessel shall be bound to carry away the said free negro, or person of color, and pay the expenses of his detention; and in case of his neglect or refusal so to do, he shall be liable to be indicted, and, on conviction thereof, shall be fined in a sum not less than one thousand dollars, and imprisoned not less than two months; and such free negroes, or persons of color, shall be deemed and taken as absolute slaves, and sold in conformity to the provisions of the act passed on the twentieth day of December, one thousand eight hundred and twenty, aforesaid.

And be it further enacted by the authority aforesaid, That the sheriff of Charleston district, and each and every other sheriff of this State, shall be empowered and specially enjoined to carry the provisions of this act into effect, each of which shall be entitled to one moiety of the proceeds of the sale of all the free negroes and persons of color that may happen to be sold under the provisions of the foregoing clause: *Provided,* The prosecution be had at his information.

And be it further enacted by the authority aforesaid, That it shall be the duty of the harbor master of the port of Charleston district to report to the sheriff of Charleston the arrival of all free negroes, or free persons of color, who may arrive on board any vessel coming into the harbor of Charleston from any other State or foreign port.

And be it further enacted by the authority aforesaid, That, from and after the passing of this act, it shall be altogether unlawful for any person or persons to hire of any male slave or slaves his or their time; and in case any male slave or slaves be so permitted by their owner or owners, to hire out their own time, labor, or service, the said slave or slaves shall be liable to seizure and forfeiture, in the same manner as has been heretofore enacted, in the act in the case of slaves coming in this State, contrary to the provisions of the same.

And be it further enacted by the authority aforesaid, That, from and after the first day of June next, every free male negro, mulatto, or mustizo, in this State, above the age of fifteen years, shall be compelled to have a guardian, who shall be a respectable freeholder of the district in which said free negro, mulatto, or mustizo, shall reside, and it shall be the duty of the said guardian to go before the clerk of the court of the said district, and before him signify his acceptance of the trust in writing; and at the same time he shall give to the clerk aforesaid his certificate, that the said negro, mulatto, or mustizo, for whom he is guardian, is of good character and correct habits, which acceptance and certificate shall be recorded in the said office by the clerk, who shall receive for the same fifty cents; and if any free male negro, mulatto, or mustizo, shall be unable to conform to the requisition of this act, then, and in that case, such person or persons shall be dealt with as this act directs for persons of color coming into this State contrary to law; and the amount of sales shall be divided—one half to the informer, and the other half for the use of the State.

And be it further enacted by the authority aforesaid, That, if any person or persons shall counsel, aid, or hire, any slave or slaves, free negroes, or persons of color, to raise a rebellion or insurrection within this State, whether any rebellion or insurrection do actually take place or not, every such person or persons, on conviction thereof, shall be adjudged felons, and suffer death without the benefit of clergy.

And be it further enacted by the authority aforesaid, That the Commissioners of the Cross Roads for Charleston Neck be, and they are hereby declared to be, Justices of the Peace, ex-officio, in that part of the parish of St. Philip's without the corporate limits of Charleston, for all purposes, except for the trial of causes, small and mean.

In the Senate House, on the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB B. PON,

President of the Senate.

PATRICK NOBLE,

Speaker of the House of Representatives.

An Act to establish a competent force to act as a municipal guard, for the protection of Charleston and its vicinity.

Be it enacted by the honorable the Senate and House of Representatives now met and sitting in General Assembly, and by the authority of the same, That it shall and may be lawful for the board hereinafter named to engage a number, not exceeding one hundred and fifty men, to be embodied as a municipal guard, whose duty it shall be to guard and protect the district between the lines, and to the Cross Roads, when necessary, on Charleston Neck and the southern extremity of the city, between Ashley and Cooper rivers, by patrols and sentinels, at

Arming the Militia of the West.

all times, by day and night, as the necessity may require, and shall furnish any number of men which the police of Charleston, or the magistrates on Charleston Neck, may require, for the preservation of peace and the public security, in the same manner as the city guard of Charleston are used to do; and shall carry into effect the laws of the State and the city ordinances for the government of negroes and free persons of color; but the members of said corps shall have no military power over the white inhabitants of the State.

And be it further enacted by the authority aforesaid, That the land and buildings now used as the tobacco inspection, be, and the same are hereby, invested in the board hereinafter constituted, and their successors forever, for the purpose of being fortified as an arsenal and guard-house, for the use of the municipal guard herein constituted: *Provided,* That the same shall revert to the State, if used for any other purposes.

And be it further enacted by the authority aforesaid, That the land on which the lines on Charleston Neck are located, shall be, and the same is hereby, invested in the board herein constituted, and their successors in office, who shall sell the same in the most advantageous manner, and apply the proceeds to the erection of the suitable buildings, on the site of the tobacco inspection, for an arsenal, for the deposite of the arms of the State, and a guard-house, and for the use of the said municipal guard.

And be it further enacted by the authority aforesaid, That the municipal guard, aforesaid, may be enlisted for any term not exceeding five years, and shall be governed by the rules and articles of the United States Army, except that no punishment shall extend to life or limb; and if, in the opinion of the Attorney General, it shall be necessary, the assent of Congress shall be requested to the provisions of this act.

And be it further enacted by the authority aforesaid, That, for the purpose of defraying the expenses of said guard, a tax of ten dollars shall be, and the same is hereby, imposed, on all houses within the limits so guarded, inhabited by negroes or persons of color, as tenants; also, a tax of ten dollars upon all free male negroes, or persons of color, who exercise any mechanical trade within the above limits; who shall receive a license, which shall endure until the first day of January next succeeding its date, from the tax collector of St. Philip's and St. Michael's, and shall then pay said tax. And any such person, who shall exercise his trade without complying with this law, shall forfeit one hundred dollars—half to the informer, and the rest to the support of said guard; to be recovered in any court of competent jurisdiction, by action of debt; also, a tax, not exceeding twenty-five per cent. upon the general tax, upon all property within the limits aforesaid, to be assessed by the board herein constituted: all which taxes shall be collected by the tax collector of St. Philip's and St. Michael's, in the same manner as other taxes, and shall be paid to the board herein constituted, for the purpose of defraying the expenses of said guard. And all persons liable to any of the above taxes, shall,

when he makes his return, swear that the same contains a full and true account of all property held in his own right, or otherwise subject to the above taxes; and the assessor shall make diligent inquiry of all houses liable to said tax.

And be it further enacted by the authority aforesaid, That the Brigadier General of the 4th brigade, and the officers thereof, the Intendant and Wardens of the city of Charleston, and the Commissioners of Cross Roads on Charleston Neck, shall constitute a board, for the purpose of carrying this act into full effect; appointing and displacing the officers of the guard, and generally, performing all acts necessary and proper to effectuate the intention of this act; and make and establish all rules and orders relative to said guard, not inconsistent with the laws of the land.

And be it further enacted by the authority aforesaid, That when, in the opinion of the said board, the said guard is sufficiently organized to secure Charleston and the Neck, the present city guard shall be abolished; and the inhabitants within said district shall not be liable to patrol duty: but any military force necessary shall be ordered on duty by the proper officers of the militia.

And be it further enacted by the authority aforesaid, That all enlistments shall be conditioned; that no enlisted man shall vote at any city or State election; and any offender shall be liable to dismissal, and forfeiture of all pay and clothing.

In the Senate House, on the twenty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two, and in the forty-seventh year of the Independence of the United States of America.

JACOB B. F'ON.

President of the Senate.

PATRICK NOBLE,

Speaker of the House of Representatives.

ARMING THE MILITIA.

Letter of Colonel Bomford, on Ordnance duty, to the Secretary of War, relative to the number of arms required annually to supply the Militia of the West. February 24, 1823.

ORDNANCE DEPARTMENT, Jan. 8, 1823.

SIR: In answer to the resolution of the Senate, of the 23d ultimo, I have the honor to report, that "the number of arms annually required to supply the militia of the West," is estimated at 3,500 muskets. This estimate is founded upon the following considerations, viz: the annual appropriation of \$200,000 for arming and equipping the militia, it is estimated, will insure a product of 14,000 muskets annually, and defray all the incidental expenses of inspecting, packing boxes, carriage to the arsenals, and transportation to the respective States and Territories. That number of muskets, or other arms equivalent thereto, is therefore required for annual distribution to the whole body of the militia of the United States; and it is estimated that one-fourth of that number, 3,500, will

Arming the Militia of the West.

be required for the militia of the West. This proportion is founded upon the consideration, that such of the Western States and Territories, which would be supplied from the Western armory, contain one-fourth of the entire population of the United States.

To ascertain "the probable number of arms necessary to be placed in the military depositories located on the Western waters," the following facts and views are respectfully submitted:

The total number of arms, in good order for service, now deposited in the several depots of the United States, is as follow, viz:

Muskets	-	-	-	-	268,890
Rifles	-	-	-	-	20,689
Pistols	-	-	-	-	34,859
Cavalry sabres	-	-	-	-	25,062
Artillery swords	-	-	-	-	7,762

Total number in all the depots - 357,262

Of the foregoing, the following are deposited in the depots of the West, including at Pittsburg, viz:

Muskets	-	-	-	-	35,968
Rifles	-	-	-	-	6,201
Pistols	-	-	-	-	10,654
Cavalry sabres	-	-	-	-	10,567
Artillery swords	-	-	-	-	2,464

Total number in the Western depots 65,854

If the principle assumed with respect to arms for the militia be taken in this case also, viz., that the general stock of arms in the country should be distributed to the principal sections of it, in a ratio proportionate to the population of each, it will appear that the Western depots now require about 23,500 stands, to give them a due proportion of the general stock. If this calculation be applied to muskets alone, which is the principal arms, the deficiency in the Western depots will appear to be about 31,000.

The average number of arms which are manufactured annually, under the provisions of existing laws, may be estimated as follows, viz:

The product of the two National armories	24,000
Made by individuals, on contracts for supplying the militia, under the law of 1808	14,000

Total number now made annually - 38,000

One-fourth of which is 9,500; which number, it is conceived, should be transported to the West, and deposited in the Western depots annually.

There has been transported, from the Atlantic States to the Western States and Territories, from 1812 to 1822, both years inclusive, the following number and description of arms, viz:

Muskets	-	-	-	-	49,500
Rifles	-	-	-	-	6,878
Pistols	-	-	-	-	13,990
Cavalry sabres	-	-	-	-	12,200

Artillery swords	-	-	-	-	2,350
Carbines	-	-	-	-	500

Total number transported to the West, during 11 years - 85,418

Equal to an annual average number of 7,765.

From the foregoing statements it results, that between seven and eight thousand stands of arms have been annually transported to the West, since the commencement of the late war; that about twenty-five thousand stands are now necessary to be transported thither, in order to give the Western depots a due supply; and that, to keep up that supply, nearly ten thousand stands must be annually sent there hereafter.

The amount which has been paid for transporting arms to the West, cannot be accurately ascertained. Heretofore the cost of transportation has been estimated at one dollar per stand, which was probably correct. But it is believed that, owing to the present improved state of the roads, and the general reduction of prices, arms can now be transported for seventy-five cents each.

"The probable cost of manufacturing arms in the West," may be stated to be the same as the cost of the arms made at the armories now established. Iron from the same works which supply the armory at Harper's Ferry, can be delivered at any point on the Ohio river, for the same prices which are paid at Harper's Ferry. Pit coal, charcoal, and gun stocks, can be procured in the West upon much better terms than at either of the present armories. Other articles would cost more in the West than in the Atlantic States.

The wages of workmen, which forms about two-thirds of the cost of the arms, may be stated to be as low, at least, in the West, as on the seaboard; for, it may be presumed that labor will eventually be cheapest where subsistence is most abundant and cheapest.

The probable cost of erecting, at this time, on the "Western waters, such an armory as that at Harper's Ferry or Springfield," may be estimated at \$200,000, including the purchase of sites, mill-seats, and the erection of mill-dams, buildings, and machinery. This cost, however, will depend materially upon the convenience and fitness of the sites which may be selected.

It would require about three years to erect such an establishment. During the first year, little more could be done than to select the position, and to make preparatory arrangements for a supply of building materials. The sites could not be examined advantageously until late in the Summer, when the waters are low; the season would then be too far advanced to commence building. It is estimated that thirty thousand dollars would be sufficient for the expenditures of the first year.

In reference to the expediency or expediency of establishing an additional armory, it may be proper to state, that muskets belonging to the United States, at the commencement of the late war, have been estimated at upwards of two hundred thousand stands, and that the number of muskets manufactured during the war was about sixty

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thousand. At the close of the year 1814, scarcely twenty thousand stands remained in the arsenals, and great efforts were made to procure an additional supply. Had the war continued another year, the deficiency of arms would have occasioned the most embarrassing consequences.

From this statement, it appears that at least two hundred and forty thousand muskets were expended during the late war; a quantity nearly approaching the number now on hand, as stated in a former part of this report. Thus, it is seen, that nearly eight years of peace have been required to make good losses occasioned by a war of less than three years' duration.

The great extent of seacoast and inland frontier, necessary to be defended in time of war, will render large distributions of arms to the militia and other new raised troops indispensable; and it is reasonable to presume, as well from past experience as from the nature of the case, that our resources will sooner fail in this respect than in any other of our military supplies. And, as so much time is required to put into full operation an establishment for the manufacture of arms upon a large scale, it will not be in the power of the Government, on a sudden emergency, to increase very materially the supply.

If it should be decided to establish an armory in the Western country, it would be advisable to advance it gradually, until it reached the extent of the present national armories. Five or six years would be required for this purpose, because a sufficient number of experienced workmen could not be procured in a shorter period, without materially deranging the operation of the armories now established.

The total annual product of arms, with an additional armory upon a scale equal to the present, may be estimated as follows, viz:

Three national armories, twelve thousand dollars each	\$36,000
The appropriation for arming and equipping the militia	14,000
Total	\$50,000

I have the honor to be, &c.

GEORGE BOMFORD,

Lieut. Col. on Ordnance Duty.

The Hon. J. C. CALHOUN.

MANUFACTURERS' MEMORIAL.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Board of Manufactures of the Pennsylvania Society, for the encouragement of American Manufactures, respectfully sheweth:

That it is with extreme reluctance we feel constrained, by a sense of duty to ourselves and to our common country, to undertake to prove, that

the existing tariff of the United States is unjust, oppressive, partial, and impolitic, and loudly calls for a radical revision and correction.

1. *We believe it unjust and oppressive—*

Because it taxes necessities of life most exorbitantly high, some of them used exclusively by the poor, and admits at low duties, comforts, conveniences, and luxuries, used chiefly and some of them exclusively by the rich.

If this be proved, as we hope will be the case, we fondly flatter ourselves, that enlightened citizens of all classes, paying due regard to their own honor, and that of their country, will not only not oppose a revision and correction of it, but unite in the accomplishment of that object.

The duty on molasses is about forty-two per cent.; on bohea tea, one dollar and twenty cents; on souchong, one dollar and fifty cents; on brown sugar, one dollar; and on salt, about one dollar and eighty cents. These are all necessities of life. Three of them are used exclusively by the poor, and, according to the practice of wise nations, and the dictates of reason, common sense, and justice, ought to be admitted at low duties. The rich, deriving far more advantage than the poor from the protection of Government, and being able to contribute incomparably more in proportion to their means, ought to be taxed accordingly. It would, therefore, be unjust, even were the duties equal on both. What decision, then, must be passed on a system which taxes the poor ten, fifteen, and twenty-fold higher than the rich, and will appear clear as the noon day sun from the following detail? Gold and silver plate, jewels, lace, lace veils, watches, &c., pay but seven and a half per cent. duty; clocks, silks, satins, cambric linens, bombazets, tartan plaids, gauzes, and Canton crapes, but fifteen per cent.; china, elegant cutlery, girandoles, and lustres, but twenty per cent.; and plated ware, fine muslin, and kerseymer, broadcloth, Cashmere and merino shawls, Brussels carpets, &c., but twenty-five per cent.

We respectfully solicit your most serious consideration to this exhibit, being persuaded that the tariff of no nation in the civilized world affords a more striking picture of oppression of the poor—partiality to the rich—or violation of the fundamental principles of sound legislation. It appears that one hundred dollars worth of salt pays as much duty as seven hundred and twenty dollars worth of Brussels carpets, nine hundred dollars, worth of girandoles or porcelain, or twenty-four hundred dollars worth of plate.

2. *The tariff is partial in the extreme.*

A wealthy sugar planter, with an annual income of three, four, five, or ten thousand dollars, is, as appears above, protected in his bulky staple, of which the freight is very high, by a duty of one hundred per cent.; the tobacco planter, by duties all but prohibitory; the cotton planter by a duty of thirty-seven and a half per cent.; and the farmer, by a duty of thirty-three per cent. on hemp, one hundred and fifty per cent. on cheese, and by duties averaging about one hundred per cent. on foreign spirits, to protect him in the market for

his grain for distillation, and in the sale of his rye and apple whiskey, and peach brandy, while all manufactures of flax are admitted at fifteen per cent.; the great mass of those of iron, steel, brass, lead, tin, pewter, china, pottery, and stone, at twenty per cent.; and manufactures of cotton, (at or above twenty-five cents per square yard,) wool, and copper, at twenty-five per cent.

We respectfully invite your attention to the preceding view, and feel confident that the extreme partiality of these features of the tariff will not be controverted.

3. *The tariff is manifestly impolitic.*

It is a maxim in political economy, consonant with the practice of the wisest statesmen, to admit raw materials, whereon the industry of a nation may be employed, and whereby its wealth and prosperity may be promoted, either absolutely duty free, or on easy terms. This maxim we have ourselves adopted in parts of our tariff, witness hides, furs, block tin, &c., imported duty free. But in other cases, the duty on the cumbersome raw material is equal, and in some nearly double that of the manufactured article. Flax falls under the first description; cotton and hemp, under the second. Flax, which, from its bulk, is subject to considerable freight, pays fifteen per cent. Linens of every kind, fine and coarse, Russia diapers, damasks, thread stockings, and all other articles made of flax, as above stated, pay only the same duty. Cotton pays thirty-seven and a half per cent. duty. Whereas cotton stockings pay but twenty; and fine manufactures of cotton twenty-five. Hemp pays a duty equal to thirty-three per cent. But hempen cloth, (except Russia and German linens, Russia and Holland duck,) pays only twenty; Russia duck sixteen; and Ravens duck twenty-five per cent. To this part of our system, there are two equally strong objections. It is as partial as impolitic.

We now proceed to notice some of the objections to an alteration of the tariff.

1. *Extortion.*

The clamor raised, and the hostility and other angry passions excited against the manufacturers, in 1816, for alleged extortion during the war, which was the principal cause of their being abandoned in the succeeding years to the ruin in which they were overwhelmed, requires serious consideration, as the same feelings and prejudices still prevail in certain quarters, generating jealousy and alienation between fellow-citizens, who, having one common interest, ought to regard each other with kindly sentiments. We hope to prove the accusation undeserving of notice. We single out, (as has been frequently done heretofore in vain,) the article of superfine broad cloth, which is a fair example. Other articles will stand or fall with it. That species of cloth was sold before the war for seven or eight dollars—and was raised during the war to twelve, thirteen, and fourteen. This was regarded as an instance of base extortion, and was the grand foundation of the obloquy then cast on manufacturers. But the fact was never

brought into notice, that Merino wool was sold previously to the war at seventy-five cents per lb.—and raised in 1814 to three and four dollars! The extortion, if any, was therefore on the part of the sellers of the wool—and not on that of the manufacturers of the cloth—as it is susceptible of complete demonstration, that the per centage of profit was less on the high than on the low priced cloth.

But this accusation could not come with the least propriety from any other class of society; as at that period they all enhanced their prices in proportion as the demand rose. The merchants, on the declaration of war, raised the prices of foreign articles, in many cases, sixty, seventy, and one hundred per cent. In the year 1816, when, as we have stated, this clamor was excited, and when its operation was so severely felt, agricultural products underwent a great rise. In 1814, cotton was thirteen cents per lb.; in 1816, it rose to twenty-seven; in 1815, wheat was one dollar and twenty-five cents per bushel; in 1816, it rose to one dollar and seventy-five cents. But the case of tobacco is far more strong and striking, and entitled to more weight, from the consideration that among the most ardent accusers of the manufacturers, were to be found some prominent citizens almost wholly engaged in tobacco planting. Tobacco in 1815, according to the Treasury returns, was only ninety-six dollars per hhd., whereas it rose in 1816 to one hundred and eighty-five dollars. This is a rise, which, under no circumstances, has ever taken place with manufactures, and must settle the question for ever in the mind of every honorable member of society.

2. *"Trade will regulate itself."* "Let us alone." "It is wrong for Government to interfere with private pursuits or capital." "Capital will always find its most beneficial mode of employment."

Whenever application has been made to Congress for an increase of the duties on imported merchandise, Chambers of Commerce in different cities have used great exertions to prevent success; and have presented petitions, memorials, and remonstrances, against the measure, on the ground that "trade would regulate itself," and that "it ought to be let alone." This course, we are sorry to say, for the honor of our country, was pursued with great zeal and ardor, even in the years 1817, 1818, and 1819, when desolation and destruction pursued the manufacturers, who were in vain struggling under all the disadvantages of inexperience, want of skill, and slender capitals; and when nothing was wanting but the powerful protection of the Government, to foster their establishments to a maturity of strength which would bid defiance to foreign rivalry. Yet, by a strange inconsistency, these very Chambers of Commerce were seen, sometimes in the same session, praying for counteractions, restrictions, and exclusions of foreign tonnage, as well as for special favors for "the regulation of trade." Our statute book abounds with acts of the most exclusive and restrictive character in favor of our merchants—always sought for when in any way necessary,

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and always granted when sought for. The second act passed by Congress, at its first session, had this object in view; and it never has been lost sight of since. We are, therefore, warranted in saying that, "let us alone," in the mercantile language, strictly means to let the merchants import and export whatever may suit their purposes, how pernicious soever it may be to the general welfare, or to the industry or happiness of any class of their fellow-citizens. But when their interests require it, the "let-us-alone policy" is laid aside, and Government is loudly called on to interfere for their protection. We instance, from the great mass of this description, the law respecting plaster of paris—and those to counteract the colonial laws of Great Britain, and the navigation laws of France. We would ask, and it would be found difficult, without condemning this policy, to give a satisfactory reply—why the importation of ships should not be allowed at low duties, to destroy the art of ship building, and blast the fortunes of the ship-owners, as well as that of cottons or woollens, to ruin the proprietors of cotton and woollen manufactories? With what propriety or consistency did the same Chambers of Commerce that solicited the Government to force Great Britain to relax her colonial system for their advantage, use all their efforts to debar their fellow-citizens from a small addition to the duty on goods of which the importation was effecting their destruction? Why, in one word, should one species of industry and one class of citizens be protected by every kind of restriction that can be devised, and another species and class be subjected to the overwhelming competition of foreign rivals?

We beg leave briefly to state, that every nation in the civilized world, except Holland and the United States, imposes heavy duties on, or actually prohibits, such articles as interfere with or destroy the domestic industry of the country. The four greatest nations in Europe (Great Britain, France, Russia, and Austria) have systems abounding with various restrictions. France prohibits manufactures of steel, brass, copper, woollen cloths, woven cotton goods, cotton yarn, watches, clocks, &c. The prohibitions in the Russian tariff amount to three hundred and ten articles, embracing the important manufactures of iron, brass, steel, copper, wool, leather, silver, glass, flax, hemp, and cotton. England prohibits altogether a variety of articles, and imposes a duty of 172 per cent. on printed linens; 104 on linen sails; 80 on glass; and 75 on China, earthen-ware, and manufactures of leather, skins, and furs. Seventy or eighty enumerated articles, and all that are not enumerated, pay 50 per cent.

Spain, Portugal, Prussia, Denmark, Sardinia, Sweden, Mexico, and Peru, pursue the same system. The latter subjects to double duties "such articles as directly prejudice the industry of the country—such as ready-made clothes, white and colored leather, boots, shoes, chairs, sofas, tables, commodores, coaches, calashes, saddles, and other manufactures of harness, ironmongery wax, spermaceti and tallow candles."

It cannot possibly be supposed that we possess more wisdom, and have devised a more perfect system, than the oldest and most prosperous nations in the world. But, if we refuse to profit by the salutary lessons and examples of the rest of the civilized world, it would be unwise not to profit by our own melancholy experience.

We wish to recall to your recollection the awful scenes of 1784, 1785, 1786, 1787, and 1788, when intense suffering and distress stalked through the land; when tender and appraisement and stop-laws disgraced and dishonored the statute-books of one-half of the States in the Union; when civil war raised its bold front in Massachusetts; and when our citizens were disposed to doubt whether all the boasted blessings of the Revolution were not likely to vanish "like the baseless fabric of a vision."

To what was this shocking state of things owing? To extravagant importations of foreign goods alone, whereby we were drained of our specie; a general paralysis produced; and property of every kind was sacrificed at one-half, one-third, or one-fourth of its former value. The merchants who were then, as now, in favor of the "let-us-alone policy," suffered in the general wreck, with the rest of the community.

If from that dreadful period we direct our eyes to the disastrous years 1816, 1817, 1818, and 1819, when so much distress pervaded the land, we find the same causes and the same effects. We find that to the extravagant importations of 1815 and 1816 nearly the whole of the sufferings of the country may be as fairly traced as any effect whatever to its proximate cause. Those importations exceeded our means of payment by our natural productions. The balance was paid in specie. The banks were drained—all of them obliged to press on their customers—and no small number to suspend specie payments altogether; and thus bankruptcy and ruin swallowed up thousands of our citizens, particularly in 1819. In this case, as in the former, the mercantile class largely shared in the general disasters.

To the consequences of the enormous importations of the present year we look with the most serious apprehension. They so far exceed the amount of the export of our productions, that, although we have remitted of Government and United States stock, exclusive of stocks of various other kinds, within the year, above four millions five hundred thousand dollars—and exported six or seven millions of specie more than we imported—we still have not, by some millions, met the demands of Europe on us for the fiscal year recently closed.

It is an important truth, demanding the most serious and solemn consideration, that by those extravagant importations we hold specie payments (so vitally important to the character, the morals, the happiness, and the prosperity of the country) by a very precarious tenure. Whenever importation greatly exceeds exportation, the balance must be paid in specie; and when that payment goes to the extent it reached in 1784 and 1785, and in 1815, 1816, 1817, and 1818, the con-

Pennsylvania Anti-Tariff Memorial.

sequences in all future times, as in times past, must necessarily be tremendous.

To our fatal experience of the ruinous consequences of extravagant importations, and the necessity of controlling them by legislative interposition, we can add that of Russia and Holland, which ought at once to preclude all controversy on this subject, and to settle the question without appeal. Russia, which had prospered for a series of years, under the restrictive system, made a total change early in 1820, abrogating its prohibitions and greatly reducing its duties. The consequences during 1820 and 1821, were fatal to its industry, happiness, wealth, and prosperity, which were most dreadfully impaired. The limits of a memorial prohibit entering into detail, and we shall only quote the pithy statement of the Russian Government, dated March 23, 1822, when the "let-us alone policy" was wholly renounced—"agriculture without a market—industry without protection—languished and declined—specie was exported, and the most solid commercial houses were shaken." The whole invaluable document may be seen in our gazettes.

The facts of this case are immensely important, and ought never for a moment to be disregarded by our statesmen. Narrow and illiberal views of this grand subject have assumed an hostility between the different classes of society, and supposed that the promotion of the prosperity of manufactures, by protecting duties, would be pernicious to agriculture and commerce. Nothing can possibly be more foreign from the truth. Their interests are identified. It is impossible that so great a national branch of industry as that of the manufacturing class can prosper or decay, without the other branches enjoying a portion of the prosperity, or suffering a portion of the decay. In confirmation of this plain theory, Russia found, as we have found by our own fatal experience, that although by opening the floodgates to foreign merchandise, and "buying goods where they could be had cheapest," manufactures and manufacturers may be the first to suffer, yet agriculture and commerce ultimately partake equally in the disastrous consequences.

Holland is at present writhing under the consequences of the "let-us-alone policy." Her tariff bears the same date as ours, 1816. It imposes very light duties. Since its operation commenced, her finances have failed—her industry is paralyzed—real estate has fallen throughout the kingdom (except at the Hague and in Brussels) one-third, and one-ninth part of the population of the most industrious country in the world is actually dependent on public support for a living.

In every other science but political economy, when a theory is broached, it is, according to the dictates of reason and common sense, subjected to the test of experiment; and if it cannot pass this ordeal, it is abandoned. It is melancholy to reflect, that in the grand science of promoting the happiness and prosperity of nations, this sound procedure is wholly abandoned; and that so many of our most estimable citizens, yielding themselves to plausible but delusive theories, shut their eyes

to the deleterious consequences produced in Spain, Portugal, Ireland, Poland, Russia, and the United States, by the "let-us-alone policy," as well as to the incalculable benefits derived by Great Britain and France, and the vast additions to their "wealth, power, and resources," from the restrictive system.

3. *The injustice of taxing the many for the benefit of the few.*

This phrase has been so often reiterated, that many of our citizens are impressed with an opinion that the manufacturers are but a "few," and form a very "insignificant" part of the community. In an address recently delivered by a member of an agricultural society, which has memorialized Congress against the applications of the manufacturers, they have been styled "the most insignificant and inconsiderable interest in this nation!" We deeply regret the use of such harsh language, so wholly unlooked for, so wholly unfounded, and so well calculated to excite irritation and retaliation. The orator must have been ignorant of the fact, that this "most insignificant and inconsiderable interest" actually comprises, in the eleven old States, from Maine to Maryland inclusive, 1,064,742 souls, being 22 per cent. of 4,839,738, the total population of those States; and about 1,349,000 in the whole Union—being about one-seventh of its aggregate population. The manufacturers "purchase from their agricultural fellow-citizens all the animal food, all the breadstuffs, four-fifths of the drinks, all the timber except mahogany, one-third of the sugar, and ninety-nine parts in one hundred of the tobacco which they consume. Moreover, all the flax, all the hemp, all the wool, all the hides, all the skins, and all the furs, furnished by our fields and forests, find a ready market in the workshops" of this "insignificant interest," who are thus ignominiously held up to the contempt of their fellow-citizens. In one word, the market this "caste" affords its agricultural brethren is six-fold greater than the markets of all the world besides, and not subject to the destructive fluctuations of foreign markets.

4. *The dangers of monopoly.*

It is asserted that protecting duties will afford the manufacturers a monopoly, and enable and induce them to impose on the public, by charging exorbitant prices. There cannot be any monopoly in this country. There is no power to grant one. Every species of industry, of whatever kind it may be, is open to every citizen, without exception. It has been conclusively observed, on this subject, by one of our greatest statesmen: "When a domestic manufacture has attained to perfection, and has engaged in the prosecution of it a competent number of persons, it invariably becomes cheaper, [than the foreign article.] The internal competition which takes place, soon does away every thing like a monopoly; and, by degrees, reduces the price of the article to the minimum of a reasonable profit on the capital employed." But we are not to depend on theory. We have the

Memorial of the Manufacturers of Cordage.

most satisfactory experience on the subject. The objection is set at rest, by the experience of the duties on yarn, coarse cottons, and nails. These duties are very nearly prohibitory; and so far from realizing the gloomy anticipations of the consequences of prohibitory duties, those articles are furnished of better quality, and cheaper, than they were when foreign rivals enjoyed the market.

5. *It will destroy the revenue.*

Our demands for the productions of Europe will increase with our population and our prosperity; and the tariff may, without difficulty, be so far modified, that the increased duties on the articles which we must continue to import, will amply compensate for any deficiencies that may arise from the diminution of other articles, for which our citizens will provide substitutes. Silks and linens, neither of which are at present manufactured here to any extent, would afford an addition to our revenues of probably one million of dollars. A variety of other articles might be pointed out, which would admit of additional duties. For a long time we cannot supply ourselves fully with cottons or woollens. It cannot be doubted, that an addition to the existing duties of 12½ or 15 per cent. on what we must continue to import, would amply compensate for the defalcation of the amount resulting from an increase of the domestic production.

6. *The danger of smuggling.*

On this point very few observations will suffice. We impose 80, 90, 100, and 150 per cent., on teas, sugar, wines, and spirits, without any apprehension of smuggling. It is therefore highly incorrect to magnify the danger of smuggling, to deter Congress from imposing duties of 30, 35, or 40 per cent. on manufactures. There is no body of merchants in the world more fair or honorable than ours, and it is a libel on them to suppose the existence of this danger.

Most of the observations we have hitherto offered partake of a local or sectional character, merely to meet and obviate sectional prejudices. But it does the subject great and manifest injustice not to consider it on a grand national scale, so far as it affects the interests of a rising empire. We will now present one feature of our policy, predicated on the national importance of this subject.

We have probably exported, this year, 135,000,000 pounds of Upland cotton. At 8 pence sterling per pound; which is the average of the year in Liverpool, it amounted to £4,500,000, or about \$20,000,000. Had we manufactured 35,000,000 pounds additional, and the increase in value by the manufacturer been but four-fold,* it would amount to about \$20,000,000, the actual amount of the whole crop, leaving a national gain of about \$15,000,000 for rent, wear and tear of

* Very recent accounts from Great Britain warrant the belief that the increase is seven or eight fold. The exports of cotton goods from Great Britain this year are about £23,000,000, or above \$100,000,000.

materials, wages of labor, and profit of capital. And, from the luminous circular letter of Cropper, Benson, & Co., recently published, and the actual state of the production of cotton in all the countries where it is cultivated, as well as the great increase of consumption, there is no doubt that the residue would have produced as much as the whole has done. The price abroad has fallen by excess of exportation.* Nothing but a decrease is likely to raise it. And nothing but extending the domestic consumption can produce this decrease. The interests, therefore, of the cotton planter and cotton manufacturer are indissolubly identified; and the general prosperity, wealth, power, and resources of the nation materially depend on the regulation of our policy with a steady eye to this identity. Cropper, Benson, & Co., expressly state that, by a decrease of the exportation, our planters "might sell their cotton at any price." What an important field for reflection on the immense advantages presented to us by bounteous nature, which we lavish for the support of foreign industry and foreign Governments! These considerations might be advantageously extended to various other branches of our industry.

We could make large additions to this memorial, but we hope we have adduced sufficient reasons to prove, as we stated, that the tariff is unjust, oppressive, partial, and impolitic, and requires complete correction.

All which is respectfully submitted.

Signed by order of the Board:

WILLIAM TILGHMAN,

*President Pa. Society for encouragement
of American Manufactures.*

Attest: HENRY HORN, *Sec'y pro tem.*

PHILADELPHIA, December 30, 1822.

MEMORIAL OF THE MANUFACTURERS OF
CORDAGE.

To the honorable the Senate and the House of Representatives of the United States in Congress assembled.

The memorial of the subscribers, manufacturers of cordage, of the city and county of Philadelphia, respectfully represents:

That your memorialists perceive, with concern, in the scheme of the new tariff, submitted to your honorable body with a view to the effectual encouragement and protection of American manu-

* The average price in Liverpool, in 1819, was 15½ pence sterling. That year there were only 205,000 bales imported from this country. The next year the importation was 300,000 bales, and the price fell to 13d. In 1821, the importation continued at 300,000 bales, and the price fell to 11d. This year the quantity increased considerably, and the price has fallen to an average of 8d. These are facts which cannot be too seriously considered by our statesmen.

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factures, a proposition to impose an additional duty on hemp.

Your memorialists are utterly at a loss to conceive how an increase of duty on a raw material of indispensable use, will in anywise afford support or encouragement to that branch of domestic manufactures wherein your memorialists are engaged.

The chief part of the hemp employed in the manufactories of naval cordage in the United States is imported from Russia, the agriculturists of which country have brought the article to such perfection, that all attempts of other nations, hitherto, to rival this material have proved abortive.

Your honorable body need not be informed, that on the goodness of the raw material depend the perfection and success of the manufacture, and that it is the interest of all manufacturers to obtain their raw materials from those countries which furnish the best. Russia, incontestably producing the best hemp for the cordage employed in the equipment of ships, it becomes a question for the deliberation of Congress whether, by imposing an additional duty on hemp, the price of cordage will not be so much enhanced that the American merchant will cease to export it; and, whether he will not be even induced to procure the supplies for his vessels, when abroad, of those nations who, wisely providing for every exigency in the progress of their own manufactures, impose so low a duty on raw materials that their citizens are enabled to enter fairly into competition with their rivals of other countries.

Your memorialists would respectfully beg leave to state to your honorable body, that the present duty on hemp, being about thirty-three per cent. on its original cost, is in their opinion much too great; and that, if it was reduced, the prosperity of the American hempen manufactures would be proportionably promoted, inasmuch as the consequently reduced price of cordage would encourage its exportation, which is now greatly limited; and as the American merchant would thereby be induced to disburse that wealth for the equipment of his vessels in our own country, which now, as often as he conveniently can, his interest leads him to expend abroad.

But should your honorable body think it not advisable to reduce the duty on foreign hemp, your memorialists would humbly remonstrate against the proposed exorbitant impost of fifty dollars and forty cents per ton on this, at present, indispensable article, in the full persuasion that Congress, in their endeavors to foster and protect our domestic manufactures, will deem that branch which your memorialists represent as not unworthy of their consideration and support.

B. WILLIAMSON,
W. B. MILNER,
WILLIAM DAVIS,
JACOB DUNTON,
WILLIAM KER,
GEORGE McLEOD,
And others.

PHILADELPHIA, Jan. 27, 1823.

THE CASE OF GALES & SEATON.

[The following is the testimony annexed to Mr. Dwight's report on the official conduct of the Printers to the House of Representatives relating to the suppression of documents. Communicated to the House of Representatives, January 30, 1823.]

A.

WASHINGTON, Jan. 21, 1823.

SIR: In the Washington Republican of last evening is an article, a copy of which we have the honor to annex hereto, impeaching the honesty of our conduct as printers to the House of Representatives.

We are glad to meet this charge in a tangible form, unfounded as it is. Always holding ourselves amenable to the authority of the House for the faithful discharge of our official functions, we ask of the House that it will do us the justice to institute a committee to inquire into the correctness of our conduct, herein impeached, with power to send for persons and papers, and report the result of its investigation to the honorable body over which you preside.

With the highest respect, we have the honor to be your most obedient servants,

GALES & SEATON.

Hon. P. P. BARBOUR, *Speaker, &c.*

The following communication we are induced to insert in our paper, not from any feeling of hostility to the respectable gentlemen to whom it is addressed—a feeling we are incapable of cherishing towards them—but because we think it *due to them* to afford them an opportunity of doing away with an impression which has been made on the minds of some members of the House, and which, if suffered to remain, may be disadvantageous to their reputation.

Messrs. Gales and Seaton :

GENTLEMEN: Influenced by the charitable principle of considering every man innocent until his guilt is proved, and knowing that presumptions, even the most violent, are not always to be relied on, it is the object of this address, which shall be short, to elicit from you explanations that are indispensably necessary to acquit yourselves of suspicions highly injurious to you, that have existed for nearly twelve months past.

It will be recollected that, at the last session of Congress, the House of Representatives adopted a resolution calling upon Mr. Crawford to exhibit a statement of his transactions with all those banks which had been made by him the depositories of public moneys received from the sale of public lands. In conformity to which resolution, he made his report on the 14th of February, 1822, and accompanied it with numerous corroborating and explanatory documents, all of which the House ordered to be printed. You were the public printers to whom these documents were delivered, and it was your duty to have printed them correctly; yet it is a fact, incontrovertible, that part of those documents, implicating Mr.

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Crawford the most strongly, were suppressed and totally omitted in the printed document with which you furnished the House, professedly in obedience to its orders. Of this fact any gentleman may be fully satisfied who will take the trouble to compare the printed document with the one transmitted to the House by Mr. Crawford, and which is now in the possession of the Clerk. The latter also affords intrinsic evidence that the omissions were not accidental, for they are enclosed in black lead pencil brackets, which would seem to have been intended as a guide to your compositor.

Strong as are the implications which those facts seem to warrant, and decided as your partiality for Mr. Crawford has been, I will not indulge the belief (at least until you have had an opportunity of explaining) that you could have reconciled it to yourselves to have sheltered him from a just responsibility, by so great a violation of the confidence reposed in you, and such a flagrant contempt of the legitimate authority of the House of Representatives, that no member thereof, however infatuated by party zeal, who feels the slightest respect for the dignity of his station, could, without dishonor, regard with indifference.

A. B.

B.

George M. Grouard's deposition.

I am foreman for Gales & Seaton, and have been for eight years past. I receive the documents, generally, through the messengers of the House: it is very rare that I receive any from Gales & Seaton. As soon as received, I number and enter them in a check book, and put them under lock and key, where they remain till they are placed in the hands of the compositors. I am persuaded no person had an inspection of these documents but myself. I noticed there were several erasures in these documents when I received them. It is my invariable practice to omit all the paragraphs erased, marked, or crossed. The marks and brackets alluded to were not made in the office. The paging was made at the office, as also the figures in the margin, to assist the compositor; and the word "out," in pencil, in the margin, was made, as I suppose, by my assistant, as an indication to the compositor to omit the paragraph against it. There was no reason for omitting the particular paragraph which did not apply to all the omissions. No hint was given to me to omit the paragraph from any person.

I never knew Messrs. Gales & Seaton to insert a word, or leave out a word, or wish me to insert any word, or omit any word, which was ordered to be printed or omitted. If original documents are sent to the Clerk of the House by the Departments, they are sent to the office without being copied. The different Departments have no particular mode of indicating what they wish to have omitted.

I do not recollect that any of the other Departments have ever sent original papers with white paper pasted on any paragraph. I never read any of the passages erased in this case.

I feel myself bound by the direction of any proper officer of the House as to the mode of printing.

I have an indistinct recollection that there was some direction in the margin to omit the passages stricken out, or marked; but that would have had no additional weight with me.

C.

William Kerr, jun.'s deposition.

William Kerr, jun., testifies that he is an assistant in the office of Gales & Seaton; that certain marks, made with a pencil, in a document from the Treasury Department, containing information in relation to the banks in which the moneys received from the sales of public lands have been deposited, were not made by him, neither was the word "out," accompanying those marks, written by him; the papers were received at the office as now marked with a pencil, with the exception of the paging, which was done at the office; and, in one instance, where the conclusion of a letter had been omitted by the compositor, the part that had been omitted is included in a circle, and the word "out," in large characters, was written by me. It is my practice, when a compositor has omitted any matter, to mark the part omitted in this manner, and send it back to him for insertion; and the part thus marked, above referred to, will be found in the printed document. If any part of the copy sent to the office to be printed is crossed with a pen or pencil, as in the above document, I should understand such cross to mean that that part was not to be printed; and it is an invariable rule to omit all passages thus marked. Neither Mr. Gales nor Mr. Seaton gave directions to omit these passages, nor, to my knowledge, did they ever know that said passages were omitted. We considered it a thing of course; and, therefore, they were not consulted on the subject. All copy sent down from either House of Congress is put into the hands of Mr. Grouard, the foreman, or into mine; and, if not immediately put into the hands of the compositor, is placed under lock and key. Messrs. Gales & Seaton never concern themselves about the copy, further than to hasten the publication of some particular document, when it has been intimated to them at the House that it is in a hurry. They trust altogether to their foreman.

It is my impression that, during the last session of Congress, a document was received from the Treasury Department, through the House of Representatives, accompanying which was a direction to omit some part of it; and, as several erasures were made in this particular document, I am of opinion that this was the one. I cannot, however, speak positively on this point. I think the instructions were written with a pencil on the margin. We sometimes receive instructions, relative to the printing, from the officers of the respective Houses, but these instructions are written notes. I should, however, have considered it my duty to obey the instructions of Mr. Dickens, or any clerk having authority to give them in any department of the Government, from which documents might be received for publication. It is not in my power to single out either Mr. Dickens or any other indi-

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vidual from whom said instructions might have been received; but, without particular instructions on the subject, the marks made with a pencil were sufficiently imperative. Any instructions received would necessarily have passed through the hands of Mr. Grouard before coming into mine. Original documents are sometimes sent from the Departments to Congress, when they have not time to prepare copies.

I have never had any conversation with Mr. Gales or Mr. Seaton on the subject of these papers.

D.

Testimony of Mr. Burch, deputy clerk of the House of Representatives.

Mr. Berry, of the Clerk's office, informed me that he was directed by Mr. Cook to make him a copy of the letter marked A 5, and asked me whether he should put in the copy the paragraph enclosed in brackets and crossed with a pencil-mark, informing me, at the same time, that Mr. Cook wished the copy certified. I told him to make an exact copy. I think this was since the 1st of January.

I took the copy and marked it with a pencil, exactly after the manner of the original. The certificate stated the original to be marked with brackets and pencil. I delivered the copy to Mr. Cook.

I have seen papers, repeatedly, within the last twenty years, transmitted to the House of Representatives, which were marked in various ways. I will not undertake to particularize them at this time, or to state from what Department; but I believe it has not been confined to any particular Department. I will, however, mention the Department of State more particularly. I remember that, in some instances, requests came from the Executive Departments that certain papers transmitted to the House might not be printed, more particularly during the late war; as, in all cases of publication, the papers never failed to find their way to the enemy, and he thereby became too intimately acquainted with our concerns and situation.

I consider the several marks shown me to be a peremptory order to the printer to leave them out of the printed copy.

I frequently give instructions as to the printing bills, and as to documents; but the instructions never go beyond the order of the House. When the House orders the printing of a document generally, we never undertake to order a part to be suppressed. When the House orders parts of papers to be printed, the papers to be excepted are either taken out and retained in the office, or are legibly marked and labelled "not to be printed."

When Messrs. Gales & Seaton first became printers, Mr. Seaton directed all documents which were to be printed to be sent to their foreman, and all instructions to be given him. The name of Mr. Grouard was given to us by Mr. Seaton as the person to whom we were to make communications upon the subject of printing. I have seldom, if ever, addressed directions or communica-

tions directly to Messrs Gales & Seaton upon the subject of printing.

I never knew the late Clerk, Mr. Dougherty, to make any marks other than those which he was authorized and directed to do by the order of the House; nor do I believe he made those in question.

James Barron's testimony.

I am messenger in the office of the Clerk of the House of Representatives, and have been for several years past. When I am ordered to carry documents, I am ordered to deliver them to Mr. Grouard, if present; and if not, to lay them on his table.

E.

Mr. Dickins's deposition.

Asbury Dickins, clerk in the office of the Secretary of the Treasury, testified, that all the papers in relation to banks, and the deposits of money in said banks, are in my hands. The general practice is to transmit copies when papers are called for. When business presses, we are obliged to send the originals. When copies are made, they are made of the whole correspondence, unless there may be some things improper to be communicated. It is the general direction of the Secretary, when information is called for, to give every thing that relates to the subject.

The papers, after selection, are laid before the Secretary; and, in this case, he directed me to collect every thing in the office relating to the subject; they were selected, and submitted to his inspection. In this case, from the urgency of it, I took the originals and rough drafts.

Those passages which seemed to have no reference to the subject of the call, I marked with a pencil.

I have no recollection of having marked the particular passage suspected; and did not recollect there was such a passage. I only marked three passages, and them I recollect from the subject.

1st. I 6. The three last lines but one on page 114, I marked as omitted. The reason for marking this was, that it did not, in my opinion, relate to the subject; and implicated one who had been a public officer.

2d. L 5. The four last lines in page 148 erased, and the five lines on the next page; I crossed them as not relating to the subject of the call; and they referred to another and distinct letter.

3d. Was in a letter from Farmers and Mechanics' Bank of Indiana to the Secretary.

F 6. I marked to be left out the three last lines, as implicating the credit of two banks, and as not relating to the subject of the call.

M 5. The papers pasted over a part of the letter were not with a view to suppress the information; but, as it had no relation to the subject of the resolution, and was in relation to a quarrel between the Bank of Tombigbee and the branch Bank of the United States at Savannah, I thought it not proper to be communicated.

I now recollect the above passages, because I

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then thought, and still think, the information ought not to have been communicated, and would be injurious to the parties if published.

I have no recollection of the letter A 5, and should not have made the marks to exclude the information, because I did not think it ought to have been concealed.

I see no reason why it should be concealed. I made the mark of the word "out," in the margin of letters I 6, L 5, F. 6.

The whole of these transactions I was acquainted with at the time. The papers originally passed through my hands.

The papers remained some time before the Secretary, while he was making the report, after I gave them to him, before he communicated them to the House.

The Steubenville Bank was solvent at the time of deposit. The Government has lost nothing by that bank; it now has deposits of public moneys, and is solvent.

I never knew any mark or erasures to be made by Mr. Crawford on papers to be communicated, after I had made such as I thought proper to make. After the report had been sent to the House, I recollected that I had omitted the reference to one of the documents which now appears in the report, and came to the House and found the report had been read, and applied to Mr. Burch for the report and documents. He went into the House, and said the report was not on the Clerk's table, and he supposed some member had taken it to read. He went into the House again, and said he could not find them. While I was waiting Mr. Cook came, with the report in his hand, and gave it to Mr. Burch, and asked for the documents. Mr. Burch handed to him a sealed packet, which was the same I had sealed at the Treasury. Mr. Cook broke the seals, and began to look over the papers, and said, "I suppose I may take them to my room." Mr. Burch assented, and Mr. Cook took them away. I then put in the reference (+) which now appears on the report.

FRIDAY MORNING, January 25.

Mr. Dickins re-examined.—The paper contained in A 8 was a confidential communication from the Bank of Steubenville of the state of the bank, which is made once a month by each bank, in which the private affairs were stated, and agreed by the Secretary to be confidential.

The handwriting on A 5, in red ink, is mine. I do not know when made, but I think it was made when the subsequent letter of May 1 was received, in relation to Brownville and Mount Pleasant Banks.

This letter of the 1st of May is not communicated, as will be seen by the printed documents.

B 1.—The red ink is in my own handwriting, and was made at the time the correspondence was prepared for the House.

I made the brackets in F 6; and made the red ink brackets in B 1. I have not seen the papers, since they were communicated to the House, until yesterday, with the exception of seeing them in the presence of Mr. Burch and Mr. Cook. I never

had any conversation with Messrs. Gales & Seaton, or any person in their employment, in reference to the suppression of parts of papers in the printing.

I think the Secretary would, if particularly requested, communicate these monthly statements of the banks to the House.

I cannot say that I did not make the marks upon the letter A 5, but I gave yesterday the reasons why I think I did not.

There never have been any documents transmitted from the Treasury which were marked as not to be printed before this time.

I should think the marks I made a sufficient direction to the compositor not to print the parts included between them. And I think that, if the Secretary should have been of opinion that what I had marked ought to be printed, he would have erased my marks.

The Secretary and myself had no particular consultation on the subject of these papers.

The paragraph in A 5 does relate to the subject more than many others, and, I think, ought to have been communicated, though unimportant.

SATURDAY MORNING, January 25.

Mr. Dickins repeats the impression that he did not mark the paragraph in A 5. It was not his intention to mark it, and he thinks he did not.

The word "out" was written by him upon all the three letters in his first evidence particularly mentioned.

When the correspondence with these banks was received, I filed away the whole of it.

I do remember having referred to A 5 after it was received, and before it was communicated, for the purpose of making the reference which now appears upon it in red ink.

Many documents remain, without being filed away in the office, for some time after they are received.

When the call was made, I looked over all the letters, filed and unfiled, relating to the subject.

Since the first call, I do not recollect having found any additional letters relating to this subject.

The documents communicated under the second call were not laid before the Secretary on the first call.

In the letter A 2, although there is a paper pasted over a part of the original memorandum, yet the letter was communicated as it was originally sent to the cashier of the Bank of Steubenville.

F.

Testimony of the Honorable William H. Crawford.

I made no marks of any kind upon these papers, and know of no practice in the office which has ever authorized the marking of parts of original letters, in order that they may not be printed. No such practice has prevailed, within my knowledge. I have no recollection that any marks were made upon these papers, but have an indistinct recollection that Mr. Dickins stated something to me in relation to the correspondence with the Bank

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of Missouri, which affected the receiver at that place. I gave no instructions to Mr. Dickins to mark any part of the papers; nor have I ever given him a general direction to mark any particular passages. There might have been marks and erasures in the documents submitted to me by Mr. Dickins, which escaped my notice, as my attention was more particularly directed to the contracts than the correspondence. In framing the report, my attention was not particularly attracted to the correspondence, as it contained nothing important for that purpose; the material facts being comprehended in the contracts and the statement furnished from the books kept by Mr. Dickins, which showed the amount deposited in those banks, and the sums paid by them. I have no recollection of the letter pasted over.

There is nothing in the paragraph suppressed which I should have wished to be withheld from the House. If I then knew any part of the correspondence had been marked, I do not now recollect it. I never sanctioned the omission of any part of the correspondence. Mr. Dickins is not the chief clerk; Mr. Jones is the chief clerk, and calls for records or files of the office are generally referred to him, with directions to examine and collect all that are embraced by such calls; but, in this case, I think Mr. Dickins was the person to whom the reference was made.

I never had any communication, direct or indirect, with Gales & Seaton, as to the manner in which they discharged their official duty, in this or any other case.

It is usual, when resolutions require information which the records or files of the office afford, to send copies; but when there is a press of business, the originals are sometimes sent, as in the present case.

The difference in the sum mentioned by the cashier of the Bank of Steubenville, and that in my letter of the 12th March, 1819, may be explained by referring to the original draught of that letter, now in possession of the committee. Owing to some differences with the officers of the United States Branch Bank at Pittsburg, the cashier, in his letter of 13th February, 1819, requested that the sum of \$24,568 51, then in the possession of the Branch Bank, might be considered as due directly to the Treasury, and that it might not be collected through that office. The original draught of the letter, in the possession of the committee, directs that sum to be credited to the Treasurer on the books of the bank. Just before the date of that letter, the whole of the special deposit had been transferred to the Bank of Columbia. When my letter was carried out to be copied, Mr. Dickins, who keeps the bank accounts, came to me and stated that there was about \$18,650 44 of the notes of the Bank of Steubenville in the possession of the Branch Bank at Chilicothe, and which had been also transferred to the Bank of Columbia, and proposed that the same direction should be given as to that sum; which I assented to, and directed my letter to be modified accordingly. The original letter, thus modified, was re-

tained as a copy, and sent to the House with the report. This is the circumstance which produced the paragraph in the letter of the cashier, which was omitted in the printing of the letter, and which omission is now the subject of investigation.

G.

The testimony of Daniel P. Cook, of the House of Representatives.

When the report was sent to the House, I moved for its printing, and the whole of the documents. Mr. Taylor, of New York, moved a division of the question. The report itself was then ordered to be printed, and the motion to print the documents was laid upon the table. The documents were taken to the Clerk's office. I then went there, and found them yet sealed. In the presence of the Clerk and Mr. Dickins (who was waiting to make some correction, as I understood, in the report,) I broke the seal, and, finding the documents too numerous to read in any short time, I asked permission to take them away. It was granted, and I took them to my room, where I particularly examined those which referred to the Banks of Missouri and Vincennes. It was the abuses which I believed had taken place in relation to those banks that induced me to make the call.

I very slightly examined some other papers; some of them I did not look into at all. I brought the papers back to the House, either on Sunday or Monday, as I believe; and, after the report was printed and laid on the tables of the members, I moved to take up the motion to print the documents, which was agreed to, and they were ordered to be printed.

In the examination which I gave the papers before they were printed, I do not remember that I saw any marks on any of the papers, nor the paper pasted on one of the letters. That part of the correspondence, however, I feel quite sure I did not look into at all.

There was nothing in the information I had, which induced me to move the call, that led me to examine with any minuteness the affairs of the Steubenville Bank; but my impression is, that correspondence being in front of all others, that I did glance through it; and I think I read the letter A 5, but I have no recollection of seeing the pencil marks upon it at that time. The kind of examination I gave this part of the correspondence was such, however, that my attention might not have been fixed upon these marks; and this is the more probable, because I do not remember to have noticed the marks on the letter from the Bank of Missouri, which Mr. Dickins says was marked by him before the papers were sent to the House.

Messrs. Gales & Seaton had furnished me (I believe, at my request, though I am not certain,) with the different forms of the printing as they were struck off, and I read them as the printing went on. In reading that part which relates to the Bank of Vincennes, I was under an impression that a typographical error had been made in printing

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the amount of money in the Vincennes Bank. In order to ascertain whether it was so, I sent for the original documents; and, when passing through the documents to get to those relating to that bank, my attention was first called to the pencil marks on A 5. After satisfying myself on the subject of the supposed error, I then adverted to the printed letter A 5, and found that that part of the letter over which the pencil marks were made was omitted; which was before my second call. I feel very certain that I did not make those marks, nor do I know when, where, or by whom, they were made. The particular character of the omitted passage induced me, some short time after, when in conversation on the subject of these bank transactions, to speak of it; and I think I am not mistaken in saying that I spoke of it in that way to the Hon. Hugh Nelson, a Representative from Virginia, and to Mr. Moore, of Alabama. I was not under the impression that the marks for omission were made by Gales & Seaton, and did not mention it to them; nor did I think the omission so important as to make any inquiry of the Secretary of the Treasury, or to make any motion or proposition in the House on the subject.

I was induced to make the second call, because the documents sent to the House, in answer to the first call, referred to several letters and documents which I thought ought to have been sent with them, but which were not; and because I believed that those letters would afford important light to show the motive of the connexion, in the manner in which it existed, between the Treasury Department and those banks. When the answer to the second call was sent to the House, I was, induced, for similar reasons, to make a third call, by a resolution, which was adopted on the last day of the session, but which remains unanswered.

I obtained a copy of letter A 5 during the present session, for prudential reasons, with which the honorable Mr. Edwards, of Connecticut, is acquainted, and which he will state to the committee. The copy was obtained on the 9th of the present month. I handed this letter to a friend, a member of Congress, whose name I decline stating. The copy went into the hands of several members of Congress, who wished to see it, with my consent. It was first handed to one of the gentlemen, who suggested the propriety of getting other members to inspect the original, or of obtaining a certified copy with a fac simile of the pencil marks, and which was to guard against the possible loss of the letter, and the consequent possibility of the fact of the omission resting upon my statement only.

I did not communicate the copy of this letter to the editor of the Washington Republican; nor did I make any of the communications signed A. B. in the Washington Republican; nor had I any agency in writing, or publishing, or causing to be written, either of those communications, unless the procurement of the copy, and permitting it to go into other hands, had that effect.

I know from information who the author is, but it was communicated to me in confidence, and I

therefore decline giving his name. I did not derive this information from the person who I understood made the communication, but from another person. I understand they are not made by the person to whom I handed the copy of the letter. I am informed the communications are made by a member of Congress. I disclaim all agency in causing those publications to be made, other than such as I have mentioned; nor did I procure the copy of the letter for the purpose of publication, nor did I hand it over for that purpose.

I had a conversation with Mr. Agg, who is reporting the proceedings of Congress for the Washington Republican. The conversation was introduced by himself, and was confined to the fact of the omission in the printed letter A 5. I told him there was such omission. The conversation took place in the House of Representatives, and after I had obtained the copy of the letter from the Clerk. Mr. Agg seemed to be apprized of the existence of the copy, but he had not been apprized of it by me. This is the only conversation we ever had on this subject, and I think I have substantially repeated the whole of it. My attention, in examining the documents previous to their being printed, was principally confined to the amount of money in the Banks of Missouri and Vincennes, and the nature of the arrangements between them and the Treasury Department.

H.

Deposition of Mr. Edwards, of the committee.

Mr. Edwards, of the committee, states, that he was present when Mr. Cook made the statement that this paragraph was omitted, and deemed to be important.

He had seen the letter, and examined it; said it was marked so as to be omitted in the printing. Mr. Cook was then advised to get a certified copy, or get some members to examine it with him. Mr. Cook wished me to go with him. I intended to do so, but did not. Shortly after, Mr. Cook told me he had got a copy of the letter. I think this was the — January. The advice to Mr. Cook was, that he should get the copy to be able to justify himself.

I.

Roger C. Weightman's deposition.

I was for several (six or eight) years printer to Congress; and it was a common thing, from both Houses, to have original documents, parts of which were marked in the way in which several of these documents are; and had they been sent to me in the state this particular document is, I should, without hesitation, have omitted the paragraph. I should also have omitted other parts as they are marked, and those pasted over.

In such an office as Messrs. Gales & Seaton's, it is impossible for the editors to inspect the printing the documents. They must be confided to the foreman.

J.

Colonel Moore's (of the House of Representatives) deposition.

When the subject of the suppressed paragraph

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was mentioned to me at this session, I then had an impression that it had been mentioned at the last. I cannot distinctly recollect having any particular conversation with Mr. Cook at the last session; but it is my impression that the intimation was made to me at the last session by Mr. Cook.

The suggestion was at this session, that the omission had been made by Gales & Seaton, through the influence of the Treasury Department.

I had a right to suppose that the intimation was made confidentially, though not expressly so told.

I do not feel authorized to name the person. He stated, at the same time, that the fact would be made known where the censure properly lay.

K.

Deposition of Matthew St. Clair Clarke, Clerk of the House of Representatives.

My attention was first called to the letter when the subject was first broached to the House. That was the day when the committee was appointed.

A few days after the session, I was called upon to certify the copy of a letter which I now find to be A 5. I was not applied to for it. Mr. Burch brought it to the desk, and I then certified it. Mr. Burch said, in reference to the copy, that the original was marked in the manner which the copy indicated.

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such copies to be made out and authenticated under his hand and seal, for the person so applying, and such copies, so authenticated, shall be evidence equally as the original papers.

Approved, January 23, 1823.

An Act in addition to "An act to continue in force 'An act to protect the commerce of the United States, and punish the crime of piracy, and also to make further provision for punishing the crime of piracy.'"

Be it enacted, &c., That the first, second, third, and fourth sections of an act, entitled "An act to protect the commerce of the United States, and punish the crime of piracy," passed on the third day of March, in the year of our Lord one thousand eight hundred and nineteen, be, and the same are hereby, continued in force, in all respects, as fully as if the said sections had been enacted without limitation, in the said act, or in the act to which this is an addition, and which was passed on the fifteenth day of May, in the year of our Lord one thousand eight hundred and twenty.

Approved, January 30, 1823.

An Act to provide for the appointment of an additional judge for the Michigan Territory, and for other purposes.

Be it enacted, &c., That there shall be appointed an additional judge for the Michigan Territory, who shall possess and exercise, within the counties of Michilimackinac, Brown, and Crawford, in the Territory aforesaid, as said counties are now defined and established, or may be hereafter defined and established, the jurisdiction and power heretofore possessed and exercised by the Supreme Court of the said Territory, and by the county courts of said counties respectively, within the said counties, and to the exclusion of the original jurisdiction of the said Supreme Court: and the jurisdiction of the said court, hereby established, shall be concurrent with the said county courts; but in all suits, either at law or in equity, appeals shall be allowed from the decisions of the said county courts to the courts established by this act, in the same manner as is provided for appeals from said courts to the Supreme Court of said Territory: *Provided, always,* That the said Supreme Court shall have full power and authority to issue writs of error to the court established by this act, in all civil causes, and to hear and determine the same when sitting as a Supreme Court of the Territory, according to the Constitution and laws of the United States, and to the statutes adopted and published by the Governor and Judges of said Territory: *And provided, also,* That nothing in this act contained shall be construed to give cognizance to the court hereby established, of cases of admiralty and maritime jurisdiction, nor of cases wherein the United States shall be plaintiffs, except as hereinafter mentioned.

SEC. 2. And be it further enacted, That the said Supreme Court are hereby authorized, upon the reversal of a judgment of the court established by

this act, to render such judgment as the said court ought to have rendered or passed, except where the reversal is in favor of the plaintiff in the original suit, and the debt or damages to be assessed are uncertain: in which case the cause shall be remanded to the county from whence it came, in order to a final determination.

SEC. 3. And be it further enacted, That when any person, not being an executor or administrator, applies for a writ of error, such writ shall be no stay of proceedings in the court to which it issues, unless the plaintiff in error, his agent or attorney, shall give security, to be approved of by a judge of the said Supreme Court, which shall be certified on the back of such writ, that the plaintiff in error shall prosecute his writ to effect, and pay the condemnation money, and all costs, or otherwise abide the judgment of the court, if he fail to make his plea good; and no cause, except suits in equity, shall be removed to said Supreme Court from the court hereby established, but by writ of error, as herein before provided; and suits in equity may be removed by appeal, in the same manner as is provided for appeals from the county courts to the Supreme Court.

SEC. 4. And be it further enacted, That the court established by this act, shall hold one term in each of the counties aforesaid, yearly, at the following times and places, to wit: at Prairie du Chien, on the second Monday in May; at Green Bay, on the second Monday in June; and at Mackinac, on the third Monday in July, in each and every year; and shall then and there proceed to hear and determine the pleas, process, and proceedings, depending therein, in the same manner as the said Supreme or county courts might, or could have done, in case this act had not been passed; and the clerks of the said county courts, shall be clerks of the court, hereby established, in their respective counties, and shall be entitled to such fees for their services as may be allowed them by law; and the officers appointed to execute the process of the said county courts within the said counties, are hereby authorized and required to execute the process of the court hereby established.

SEC. 5. And be it further enacted, That the said court, hereby established, shall have and possess concurrent jurisdiction with the said Supreme Court, in and over all actions arising under the acts and laws in force, or which may be enacted, for the regulating trade and intercourse with the Indians, and over all crimes and offences which shall be committed within that part of the Indian country lying north and west of Lake Michigan, within the Territory of Michigan.

SEC. 6. And be it further enacted. That the judge to be appointed by virtue of this act shall reside in one of the counties aforesaid, and shall receive the same salary, and payable in the same manner, as is provided and established by law for the judges of the said Supreme Court of the Michigan Territory.

SEC. 7. And be it further enacted, That this act shall take effect, and be in force, from and after the twentieth day of March next.

Approved, January 30, 1823.

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An Act concerning the disbursement of public money.

Be it enacted, &c., That, from and after the passing of this act, no advance of public money shall be made in any case whatever; but in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment: *Provided,* That it shall be lawful, under the special direction of the President of the United States, to make such advances to the disbursing officers of the Government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfilment of the public engagements: *And provided, also,* That the President of the United States may direct such advances, as he may deem necessary and proper, to such persons in the military and naval service as may be employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled cannot be regularly effected.

SEC. 2. *And be it further enacted,* That every officer or agent of the United States, who shall receive public money which he is not authorized to retain, a salary, pay, or emolument, shall render his accounts quarter yearly to the proper accounting officers of the Treasury, with the vouchers necessary to the correct and prompt settlement thereof, within three months, at least, after the expiration of each successive quarter, if resident within the United States, and within six months if resident in a foreign country: *Provided,* That nothing herein contained shall be construed to restrain the Secretaries of any of the Departments from requiring such returns from any officer or agent, subject to the control of such Secretaries, as the public interest may require.

SEC. 3. *And be it further enacted,* That every officer or agent of the United States who shall offend against the provisions of the preceding sections, shall, by the officer charged with the direction of the Department to which such offending officer is responsible, be promptly reported to the President of the United States, and dismissed from the public service: *Provided,* That in all cases where any officer, in default as aforesaid, shall account to the satisfaction of the President for such default, he may be continued in office, any thing in the foregoing provision to the contrary notwithstanding.

SEC. 4. *And be it further enacted,* That no security given to, or obligation entered into with, the Government, shall be in anywise impaired, by the dismissing any officer, or from failure of the President to dismiss any officer coming under the provisions of this act.

Approved, January 31, 1823.

An Act to revive and continue in force certain acts for the adjustment of land claims in the Territory of Michigan.

Be it enacted, &c., That the act entitled "An act to revive the powers of the commissioners for ascertaining and deciding on claims to land in

the district of Detroit, and for settling the claims to land at Green Bay and Prairie du Chien, in the Territory of Michigan," approved May the eleventh, one thousand eight hundred and twenty, shall be, and the same is hereby, revived, and shall continue in force until the first day of November next; and it shall be the duty of the said commissioners, as soon thereafter as may be, to forward their report, as is required by the second section of said act, to the Secretary of the Treasury, to be by him laid before Congress at its next session.

SEC. 2. *And be it further enacted,* That the second section of the act, entitled "An act to authorize the granting of patents for land according to the surveys that have been made, and to grant donation rights to certain claimants of land in the district of Detroit, and for other purposes," approved April twenty-third, one thousand eight hundred and twelve, shall be so construed as to embrace all persons who have claims confirmed below Milk River Point, at the lower end of Lake St. Clair.

SEC. 3. *And be it further enacted,* That patents shall, and they are hereby directed to, be issued, in the mode pointed out by law in other cases, to persons whose claims to lands, town or village lots, have been regularly filed with the commissioners appointed by an act, entitled "An act to revive the powers of the commissioners for ascertaining and deciding on claims to land in the district of Detroit, and for settling the claims to land at Green Bay and Prairie du Chien, in the Territory of Michigan," passed on the eleventh day of May, one thousand eight hundred and twenty, and whose claims are contained in the report transmitted to the Secretary of the Treasury, and which have been reported favorably on by said commissioners; and such persons are hereby confirmed in their claims, agreeably to any surveys heretofore made, or the lines and boundaries established by the claimants respectively: *Provided,* That such confirmations shall only amount to a relinquishment forever, on the part of the United States, and that not more than six hundred and forty acres shall be confirmed by virtue of any one claim; nor shall more be confirmed, in any case, than the quantity claimed; nor shall any claim extend in width more than forty, nor in depth more than eighty, arpents; nor to land heretofore, and now, reserved by the United States for public uses.

SEC. 4. *And be it further enacted,* That, wherever it shall appear to the said commissioners that any claimant to land, or a town or village lot, at Green Bay or Prairie du Chien, cannot establish his, her, or their, claim to the same, in consequence of his, her, or their, removal therefrom, by any officer of the United States Army, it shall be the duty of the said commissioners to issue a certificate to such person or persons, for any tract of land, or village lot, which may have been occupied by him, her, or them, after such removal, not exceeding, in quantity, that originally claimed; on which certificates patents shall issue, as in other cases; which claims shall be, in all other

respects, subject to the restrictions and provisions of the third section of this act.

SEC. 5. *And be it further enacted,* That every person who, on the first day of July, one thousand eight hundred and twelve, was a resident of Green Bay, Prairie du Chien, or within the county of Michilimackinac, and who, on the said day, occupied and cultivated, or occupied a tract of land which had previously been cultivated by said occupant, lying within either of said settlements, and who has continued to submit to the authority of the United States, or to the legal representatives of every such person, shall be confirmed in the tract so occupied and cultivated; and the said commissioners, in adjudicating on claims to land embraced by this act, are authorized to take into their consideration the evidence and facts collected and reported to them by the agents of the United States, pursuant to the provisions of the act of the eleventh of May, one thousand eight hundred and twenty, as well as such other and further evidence and testimony as may or shall be exhibited before them by the claimants, to support their claims. And the register of the land office at Detroit is authorized and required to receive and record all notices and claims to lands provided for by this act, and which shall be exhibited to him on or before the first day of October next: *Provided, however,* That no person shall be confirmed in a greater quantity than six hundred and forty acres; nor shall any tract, so confirmed, exceed eighty arpents from front to rear. And it shall be the duty of the Surveyor General of the United States, under the direction of the Secretary of the Treasury, to cause the land confirmed by this act to be surveyed, at the expense of the claimants, respectively; plats of which shall be returned, as in other cases, and patents therefor shall be granted to the several claimants in the manner prescribed by law.

SEC. 6. *And be it further enacted,* That the Secretary of the Treasury shall be, and he is hereby, authorized to allow to the former agent, and to each of the persons whose duty it is made to carry this law into effect, such sum, in addition to the sum allowed by the first recited act, as he may deem just and reasonable.

Approved, February 21, 1823.

An Act to divide the State of South Carolina into two judicial districts.

Be it enacted, &c., That the State of South Carolina be, and the same is hereby, divided into two districts, in manner following, that is to say: the districts of Lancaster, Chester, York, Union, Spartanburg, Greenville, Pendleton, Abbeville, Edgefield, Newbury, Laurens, and Fairfield, shall compose one district, to be called the western district; and the residue of the State shall form one other district, to be called the eastern district. And the terms of the said district court, for the eastern district, shall be held in Charleston, at such times as they are now by law directed to be holden. And for the trial of all such criminal and civil causes, as are by law cognizable in the

district courts of the United States, which may hereafter arise or be prosecuted, or sued, within the said western district, there shall be one annual session of the said district court holden at Laurens courthouse, to begin on the second Monday in May in each year; to be holden by the district judge of the United States of the State of South Carolina; and he is hereby authorized and directed to hold such other special sessions as may be necessary for the despatch of the causes in the said court at such time or times as he may deem expedient, and may adjourn such special sessions to any other time previous to a stated session.

Approved, February 21, 1823.

An Act to provide for the settlement of the accounts of Daniel D. Tompkins, late Governor of the State of New York.

Be it enacted, &c., That the proper accounting officers of the Treasury be, and they are hereby, authorized to adjust and settle the accounts and claims of Daniel D. Tompkins, late Governor of the State of New York, on principles of equity and justice, subject to the revision and final decision of the President of the United States.

SEC. 2. *And be it further enacted,* That nothing contained in the second section of the act, entitled "An act making appropriations for the support of Government for the year one thousand eight hundred and twenty-two, and for other purposes," passed April twentieth, [thirtieth] one thousand eight hundred and twenty-two, shall be construed to extend or apply to the said Daniel D. Tompkins.

Approved, February 21, 1823.

An Act to extend the charter of the Mechanics' Bank of Alexandria, in the District of Columbia.

Be it enacted, &c., That the act incorporating the Mechanics' Bank of Alexandria, in the District of Columbia, be, and the same is hereby, extended and limited to the third day of March, one thousand eight hundred and thirty-six, under and subject to all the limitations, modifications, and conditions, as are enacted and applied to the other incorporated banks in the District of Columbia, by an act, entitled "An act to extend the charters of certain banks in the District of Columbia," which passed the second day of March, one thousand eight hundred and twenty-one.

SEC. 2. *And be it further enacted,* That, if any stockholder or stockholders in said bank, who have not assented to the renewal of the said charter, shall, within two months from the passing of this act, file his or their declaration, in writing, in the said bank, declaring himself or themselves dissatisfied with said renewal, and his or their determination to withdraw his or their interest from the same; and if the said bank cannot agree with such stockholder or stockholders on the amount of such interest, and shall not forthwith pay the same, then it shall be lawful for the circuit court of the District of Columbia, at Alexandria, on the petition in writing of such stockholder or stockholders, to appoint three commissioners, whose duty it shall be to ascertain the value of the interest of

such stockholder or stockholders in said bank, for which purpose such commissioners shall, under the direction of said court, have access to the books, papers, and accounts of said bank, and on the report of said commissioners, and such other evidence as may be laid before the said court, shall proceed to ascertain the value of the interest of such stockholder or stockholders in said bank, and shall adjudge and decree the value, so ascertained, to be paid to him, or them by the said bank, and shall have power to enforce judgment or decree, by execution, attachment, or other legal process.

SEC. 3. *And be it further enacted*, That this act be, and the same is hereby declared to be, a public act, and that so much and such parts of the act incorporating the said Mechanics' Bank of Alexandria, as may be repugnant to this act, be, and the same is hereby, repealed and annulled.

Approved, February 21, 1823.

An Act supplementary to the several acts for the adjustment of land claims in the State of Louisiana.

Be it enacted, &c., That the claims for lands within the eastern district of the State of Louisiana, described by the register of the land office of the said district, in his report to the Secretary of the Treasury, bearing date the sixth of January, one thousand eight hundred and twenty-one, be, and the same are hereby, confirmed, against any claim on the part of the United States.

SEC. 2. *And be it further enacted*, That the claims for lands within the district north of Red river, in the State of Louisiana, described by the register of the land office of the said district, in his report to the Secretary of the Treasury, bearing date the first January, one thousand eight hundred and twenty-one, and included in the first, second, and third classes of claims, be, and the same are hereby, confirmed against any claim on the part of the United States, with the exception of the claims numbered forty and fifty-one in the first class, and of the claims numbered forty-four, forty-five, forty-six, forty-seven, and forty-eight, in the said first class, (which are included in the claim of Baron Bastrop.)

Approved, February 28, 1823.

An Act for laying out and making a road, from the Lower Rapids of the Miami of Lake Erie to the Western Boundary of the Connecticut Western Reserve, in the State of Ohio, agreeable to the provisions of the Treaty of Brownstown.

Be it enacted, &c., That the State of Ohio is hereby authorized to lay out, open, and construct, a road, from the Lower Rapids of the Miami of Lake Erie, to the western boundary of the Connecticut Western Reserve, in such manner as the Legislature of said State may by law provide, with the approbation of the President of the United States; which road, when constructed, shall forever remain a public highway.

SEC. 2. *And be it further enacted*, That, in order to enable the State of Ohio to open and construct said road, a tract of land, one hundred and twenty feet wide, whereon to locate the same, together

with a quantity of land equal to one mile on each side thereof, and adjoining thereto, to be bounded by sectional lines as run by the United States, to defray the expenses of making said road, is hereby granted to said State; to commence at the Miami Rapids, and terminate at the Western Boundary of the Connecticut Western Reserve, with full power and authority to sell and convey the same, and apply the proceeds to the making said road: and in case the said tract of land shall sell for a greater sum than shall be sufficient to complete such road, then the residue thereof shall remain with the State of Ohio, as a fund for the purpose of keeping said road in repair: *Provided*, That said road shall be made within the term of four years from the passage of this act: *And provided*, None of the land hereby appropriated for making said road shall be sold for a less price than one dollar and twenty-five cents per acre.

SEC. 3. *And be it further enacted*, That, in case any of the lands, through which it may be thought expedient to open said road, may have been previously sold by the United States, the Secretary of the Treasury is hereby directed to pay such officer as the State of Ohio may appoint for that purpose, the net proceeds of the sales of the quantity thus sold at a minimum price.

SEC. 4. *And be it further enacted*, That, whenever the Governor of the State of Ohio, shall have laid before the President of the United States a survey of the location of said road, accompanied by an act of said State, accepting said trust, and providing for making said road within the time above limited, and the President shall have approved the same, then the right of the State to the said tract of land shall be considered as complete for the purposes aforesaid: and the President shall direct, that, until the first day in June, one thousand eight hundred and twenty-three, none of the public lands shall be sold, within three miles on each side of a line, to be drawn direct from the foot of the rapids of the Miami of Lake Erie, to the Lower Rapids of Sandusky, thence to the Western Boundary of the Connecticut Western Reserve: *Provided*, That nothing in this act contained shall ever hereafter be construed to imply any obligation upon the United States to grant additional lands, or further aids of any sort, towards the opening, making, or keeping in repair, of the road aforesaid.

Approved, February 28, 1823.

An Act to revive, and to continue in force, the seventh section of an act, entitled "An act, supplementary to the several acts for the adjustment of land claims in the State of Louisiana," approved the eleventh May, eighteen hundred and twenty, and for other purposes.

Be it enacted, &c., That the seventh section of an act, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," approved the eleventh of May, one thousand eight hundred and twenty, in relation to back concessions, be, and the same is hereby, revived and continued in full force and

effect, for the term of eighteen months, from and after the passage of this act.

SEC. 2. *And be it further enacted*, That so much of the lot of land on which is situated the navy storehouse, in New Orleans, as may be necessary to continue the street, now commenced, leading from Condi Street to Market Hall, is hereby granted to, and vested in, the Corporation of the City of New Orleans, for the purpose of continuing the said street.

Approved, February 28, 1823.

An Act to repeal so much of an act, passed the eighteenth April, one thousand eight hundred and six, as limits the price of certain lands in the State of Tennessee.

Be it enacted, &c., That so much of an act, passed the eighteenth day of April, one thousand eight hundred and six, entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," which provides "that the lowest price of all lands granted or sold within the ceded territory shall be the same as shall be established by Congress, for the lands of the United States;" be, and the same is hereby, repeated; and the Legislature of the State of Tennessee are authorized and empowered to affix such price to the lands in said ceded territory, as, in their discretion, may be deemed right and proper; any thing in said act of the eighteenth of April, one thousand eight hundred and six, to the contrary notwithstanding.

Approved, February 28, 1823.

An Act appropriating money for the purpose of repairing the public road from Cumberland to Wheeling.

Be it enacted, &c., That the sum of twenty-five thousand dollars, of moneys in the Treasury, not otherwise appropriated, be, and the same is hereby, appropriated for the purpose of repairing and improving the public road from Cumberland to Wheeling, under the direction of the President of the United States.

SEC. 2. *And be it further enacted*, That, for the faithful and speedy accomplishment of this object, the President, with the advice of the Senate, shall appoint some fit person as superintendent of the said road, whose duty it shall be, with all practicable despatch, to contract for, and personally superintend, the execution of the repairs and improvements which shall be deemed necessary on the said road, as well as to receive, disburse, and faithfully account with the Treasury for, the sums of money which may be received by him in virtue of this act.

SEC. 3. *And be it further enacted*, That the superintendent, so to be appointed, shall, before he enters upon the discharge of the duties enjoined by this act, execute bond, to the United States, with security, to be approved of by the Secretary of the Treasury, conditioned for the faithful discharge of his duties, enjoined by this act; he shall hold his office during the pleasure of the President, and

shall receive, as a compensation for his services, the sum of three dollars per day, during the time he may be employed in the discharge of the duties enjoined by this act.

Approved, February 28, 1823.

An Act supplementary to and to amend an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed second March, one thousand seven hundred and ninety-nine, and for other purposes.

Be it enacted, &c., That, from and after the third day of March next, no goods, wares, or merchandise, subject to ad valorem duty, and imported into the United States, shall be admitted to an entry, unless the true invoice of the same be presented to the collector at the time of entry, or unless the same be admitted in the mode authorized and prescribed in the next ensuing section of this act: *Provided*, That this prohibition shall not extend to such goods, wares, or merchandise, as shall have been taken from a wreck.

SEC. 2. *And be it further enacted*, That when no invoice has been received for any goods, wares, or merchandise, imported and subject to ad valorem duty as aforesaid, the owner, importer, consignee, or agent, shall make oath of the same, and the collector of the port shall be, and he is hereby, authorized, if in his judgment the circumstances under which such goods, wares, or merchandise, shall have been imported, or any other circumstance connected therewith, render it expedient, to admit the same to an entry, on an appraisement thereof, duly made, in the manner hereinafter prescribed: *Provided*, That the owner, importer, consignee, or agent, of such goods, wares, or merchandise, shall, previous to such entry, give bond, with sufficient sureties, to the United States, to produce to such collector the invoice of the same within eight months from the time of entry, if the same were imported from any port or place on this side, and within eighteen months, if from any port or place beyond the Cape of Good Hope or Cape Horn, or from the Cape of Good Hope, and to pay any amount of duty to which it may appear, by such invoice, the said goods, wares, or merchandise, were subject, over and above the amount of duties estimated on the said appraisement.

SEC. 3. *And be it further enacted*, That when goods, wares, or merchandise, imported into the United States, shall not have been entered in pursuance of the provisions of this or any other act regulating imports and tonnage, the same shall be deposited, according to existing laws, in the public warehouse, and shall there remain, at the expense and risk of the owner, until such invoice be produced: *Provided, however*, That, when the said goods, wares, or merchandise, shall have remained in the public warehouse nine months, if imported from any port or place on this side, and eighteen months, if from any port or place beyond the Cape of Good Hope, or Cape Horn, or from the Cape of Good Hope, and no invoice shall be produced, then the said goods, wares, and merchandise, shall be appraised, and the duties estimated

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thereon in the manner hereinafter directed: *Provided, also*, That nothing herein contained shall be understood to prohibit the sale of such quantities of goods, stored as aforesaid, as may be necessary to discharge the duties thereon, and all intervening charges, at the time or times when such duties shall become due and payable: *And provided further*, That the collector be, and he is hereby, authorized to direct an earlier sale of articles of a perishable nature, and of such as may be liable to waste; first giving such notice of the sale as circumstances may admit, by public advertisement, in one or more papers, at or nearest to the port where such sale may be had; which said articles the collector shall previously cause to be appraised, and the duties estimated thereon, in the manner hereinafter directed; and the proceeds of such sale shall be disposed of at the expiration of the said periods of nine and eighteen months, respectively, as the case may be, in the manner prescribed by the fifty-sixth section of the act regulating the collection of duties on imports and tonnage, passed the second day of March, one thousand seven hundred and ninety-nine: *Provided, also*, That nothing in this section shall be construed to affect the cases contemplated by the fifty-sixth section of the act regulating the collection of duties on imports and tonnage, passed the second of March, one thousand seven hundred and ninety-nine.

SEC. 4. *And be it further enacted*, That, in all cases where goods, wares, or merchandise, shall have been imported into the United States, and shall be entered by invoice, one of the following oaths, according to the nature of the case, shall be administered by the collector of the port at the time of entry, to the owner, importer, consignee, or agent, in lieu of the oath now prescribed by law in such case:

Consignee, Importer, or Agent's oath.

I, —, do solemnly and truly swear or affirm that the invoice and bill of lading now presented by me to the collector of —, are the true and only invoice and bill of lading by me received, of all the goods, wares, and merchandise, imported in the —, whereof — is master, from —, for account of any person whomsoever, for whom I am authorized to enter the same; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know nor believe in the existence of any other invoice, or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector, contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been, on my part, nor to my knowledge, on the part of any other person, concealed or expressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise, and that if, at any time hereafter, I discover any error in the said invoice, or in the account now rendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of

this district. And I do further solemnly and truly (swear or affirm) that, to the best of my knowledge and belief, [insert the name and residence of the owner or owners, is or are,] of the goods, wares, and merchandise, mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost, (if purchased,) or fair market value, (if otherwise obtained,) at the time or times, and place or places, when and where procured, (as the case may be,) of the said goods, wares, and merchandise, all the charges thereon, and no other or different discount, bounty, or drawback, but such as has been actually allowed on the same.

Owner's oath, in cases where goods, wares, or merchandise, have been actually purchased.

I, —, do solemnly and truly swear or affirm that the entry now delivered by me to the collector of —, contains a just and true account of all the goods, wares, and merchandise, imported by or consigned to me, in the —, whereof — is master, from —; that the invoice which I now produce contains a just and faithful account of the actual cost of the said goods, wares, and merchandise, of all charges thereon, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, and no other discount, drawback, or bounty, but such as has been actually allowed on the same; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly swear or affirm that I have not, in the said entry or invoice, concealed or suppressed any thing whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced, of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

Manufacturer's or Owner's oath, in cases where goods, wares, or merchandise, have not been actually purchased.

I, —, do solemnly and truly swear or affirm that the entry now delivered by me to the collector of —, contains a just and true account of all the goods, wares, and merchandise, imported by or consigned to me, in the —, whereof — is master, from —; that the said goods, wares, and merchandise, were not actually bought by me, or by my agent, in the ordinary mode of bargain and sale, but that, nevertheless, the invoice which I now produce, contains a just and faithful valuation of the same, at their fair market value, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, at the time or times, and place or places when and where procured for my account, (or for account of myself and partners;) that the said invoice contains also a just and faithful account of

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all charges actually paid, and no other discount, drawback, or bounty, but such as has been actually allowed on the said goods, wares, and merchandise; that I do not know, nor believe in the existence, of any invoice or bill of lading, other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly swear or affirm that I have not, in the said entry or invoice, concealed or suppressed any thing whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise, and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced, of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

SEC. 5. *And be it further enacted*, That the ad valorem rates of duty upon goods, wares, and merchandise, shall be estimated in the manner following; to the actual cost, if the same shall have been actually purchased, or the actual value, if the same shall have been procured otherwise than by purchase, at the time and place, when and where purchased or otherwise procured, or to the appraised value, if appraised, except in cases where goods are subjected to the penalty provided for in the thirteenth section of this act, shall be added all charges, except insurance; and, also, twenty per centum on the said cost or value and charges, if imported from the Cape of Good Hope, or any place beyond that, or from beyond Cape Horn, or ten per centum if from any other place or country; and the said rates of duty shall be estimated on such aggregate amount: *Provided*, That in all cases where any goods, wares, and merchandise, subject to ad valorem duty, shall have been imported from a country other than that in which the same were manufactured or produced, the appraisers shall value the same at the current value at the time of exportation, in the country where the same may have been originally manufactured or produced.

SEC. 6. *And be it further enacted*, That no goods, wares, or merchandise, imported into the United States, subject to ad valorem duty, and belonging to a person or persons residing in the United States, but who shall, at the time, be absent from the place where the same are intended to be entered, shall be admitted to an entry, unless the importer, consignee, or agent, shall previously give bond, the form of which shall be prescribed by the Secretary of the Treasury, with sufficient sureties, to produce, within four months, to the collector of the port where the said goods, wares, or merchandise may be, the invoice of the same duly verified, according to the circumstances of the case, by the oath of the said owner, or one of the owners, as prescribed in the fourth section of this act; which oath shall be administered by a collector of the United States, if there be any in the place where the said owner or owners may be; or if there be none, by some public officer duly authorized to administer oaths.

SEC. 7. *And be it further enacted*, That no goods,

wares, or merchandise, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons not residing at the time in the United States, and who shall have actually purchased the same, shall be admitted to entry, unless the invoice be verified by the oath of the owner, or one of the owners, certifying that the said goods, wares, or merchandise, were actually purchased for his account, or for account of himself and partners in the said purchase; that the invoice annexed thereto contains a true and faithful account of the actual cost thereof, and of all charges thereon, and that no discounts, bounties, or drawbacks, are contained in the said invoice, but such as have been actually allowed on the same; which said oath shall be administered by a consul or commercial agent of the United States; or by some public officer duly authorized to administer oaths in the country where the said goods, wares, or merchandise, shall have been purchased, and the same duly certified by the said consul, commercial agent, or public officer; in which latter case, such official certificate shall be authenticated by a consul or commercial agent of the United States: *Provided*, That if there be no consul or commercial agent of the United States in the country from which the said goods, wares, or merchandise, shall have been imported, the authentication hereby required shall be executed by a consul of a nation at the time in amity with the United States, if there be any such residing there; and if there be no such consul in the country, the said authentication shall be made by two respectable merchants, if any such there be, residing in the port from which the said goods, wares, or merchandise, shall have been imported.

SEC. 8. *And be it further enacted*, That no goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons not residing at the time in the United States, who may not have acquired the same in the ordinary mode of bargain and sale, or belonging to a person or persons who may be the manufacturer or manufacturers, in whole or in part, of the same, shall be admitted to entry, unless the invoice thereof be verified by the oath of the owner, or of one of the owners, certifying that the invoice contains a true and faithful account of the said goods, wares, or merchandise, at their fair market value at the time and place when and where the same were procured or manufactured, as the case may be, and of all charges thereon; and that the said invoice contains no discounts, bounties, or drawbacks, but such as have been actually allowed; which said oath shall have been duly administered and authenticated in the mode prescribed in the seventh section of this act.

SEC. 9. *And be it further enacted*, That in all cases where goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, shall belong to the estates of deceased persons or of persons insolvent, who shall have assigned the same for the benefit of their creditors, the oaths required by the fourth, seventh, and eighth sections of this act, may be administered to the executor, administrator, or assignees, of such persons, in the man-

ner prescribed by this act, according to the nature of the case.

SEC. 10. *And be it further enacted*, That in all cases where goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons not residing in the United States, shall not be accompanied with an invoice verified by oath, and authenticated as required by the seventh, eighth, and ninth sections of this act, as the case may be; or where it shall not be practicable to make such oath, or there shall be an immaterial informality in the oath or authentication so required, or where the collector of the port at which the said goods, wares, or merchandise shall be, shall have certified his opinion to the Secretary of the Treasury that no fraud was intended in the invoice of said goods, wares, or merchandise, the Secretary of the Treasury shall be, and he is hereby, authorized, if he shall deem it expedient, to admit the same to an entry: *Provided*, That the consignee, importer, or agent, shall, previous to such entry, give bond, the form whereof shall be prescribed by the Secretary of the Treasury, with sufficient sureties, to produce the invoice, if the same be practicable, sworn to and authenticated as may be required by this act, according to the nature of the case, and in the time and mode prescribed in the second section of this act, in cases where no invoice has been received: *And provided, always*, That the Secretary of the Treasury shall in no case admit any goods, wares, or merchandise, to an entry, where there is just ground to suspect that a fraud on the revenue is intended.

SEC. 11. *And be it further enacted*, That in all cases where goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, shall belong in part to a person or persons residing in the United States, and in part to a person or persons residing out of the United States, the oath of one of the owners, residing in the United States, shall be sufficient to admit the same to an entry according to the provisions of this act: *But it is expressly provided*, That, in all cases where the goods, wares, or merchandise shall have been manufactured, in whole or in part, by any one of the owners residing out of the United States, the same shall not be so admitted to an entry, unless the invoice shall have been verified and authenticated by such manufacturer in the manner prescribed in the eighth section of this act.

SEC. 12. *And be it further enacted*, That, whenever the invoice of goods, wares, or merchandise, subject to ad valorem duty, imported as aforesaid, and belonging to a person or persons non-residing in the United States, shall not have been duly verified and authenticated, and, upon application to the Secretary of the Treasury, according to the tenth section of this act, the said goods, wares, or merchandise, shall have been refused an entry, the same shall be deemed suspected, and shall be liable to the same additions and penalties as are provided in the case of fraudulent invoices in the following section.

SEC. 13. *And be it further enacted*, That whenever, in the opinion of the collector, there shall be

just grounds to suspect that goods, wares, or merchandise, subject to ad valorem duty and imported into his district, have been invoiced below their true value, in the place or country from whence they were imported or originally procured, as the case may be, as prescribed in the fifth section of this act, such collector shall direct the same to be appraised in the manner prescribed by this act; and if the value at which the same shall be so appraised shall exceed by twenty-five per centum the invoice prices thereof, then in addition to the ten or twenty per centum, as the case may be, laid upon correct and regular invoices, according to law, there shall be added fifty per centum on the appraised value; on which aggregate amount the duties on such goods, wares, or merchandise, shall be estimated: *Provided*, That nothing herein contained shall be construed to impose the said penalty of fifty per centum for a variance between the bona fide invoice of goods, produced in the manner specified in the proviso in the fifth section of this act, and the current value of the said merchandise in the country where the same may have been originally manufactured or produced.

SEC. 14. *And be it further enacted*, That, in all cases where the appraised value of any goods, wares, or merchandise, appraised under this or any other act concerning imports and tonnage, shall exceed by less than twenty-five per centum the invoice value thereof, such appraised value shall be considered the true value of such goods, wares, or merchandise, upon which the duty shall be charged, with the addition of such per centum as may be by law required: *Provided*, That, in no case, shall the duty be estimated on an amount less than the invoice value with the addition by law required.

SEC. 15. *And be it further enacted*, That the collectors of the revenue shall cause at least one package out of every invoice, and one package, at least, out of every twenty packages of each invoice of goods, wares, or merchandise, imported into their respective districts, which package or packages he shall have first designated on the invoice, to be opened and examined; and if the same be found not to correspond with the invoice thereof, or to be falsely charged in such invoice, a full inspection of all such goods, wares, or merchandise, as may be included in the same entry, shall be made; and in case such goods, wares, or merchandise, be subject to ad valorem duty, the same shall be appraised, and subjected to the penalties provided in the thirteenth section in the case of suspected or fraudulent invoices; and in every case, whether such goods, wares, or merchandise, be subject to ad valorem or specific duty, if any package be found to contain any article not described in the invoice, the whole package shall be forfeited: *Provided*, That the Secretary of the Treasury be and he is hereby authorized to remit the said forfeiture, if in his opinion the said article was put in by mistake, or without any intention to defraud the revenue.

SEC. 16. *And be it further enacted*, That, for the appraisement of goods, wares, or merchandise, required by this or any other act concerning im-

ports and tonnage, the President of the United States shall, by and with the advice and consent of the Senate, appoint in each of the ports of Boston, New York, Philadelphia, Baltimore, Charleston, Savannah, and New Orleans, two persons well qualified to perform that duty, who, before they enter thereon, shall severally make oath diligently and faithfully to examine and inspect such goods, wares, or merchandise, as the collector may direct, and truly to report, to the best of their knowledge and belief, the true value thereof, according to the provisions of the fifth section of this act; and when any appraisement is to be made in any port other than those above named, the collector shall appoint two respectable resident merchants, who, after having taken the oath required by this section, shall be the appraisers; and the Secretary of the Treasury shall have authority to direct the appraisers for any collection district to attend in any other collection district, for the purpose of appraising any goods, wares, or merchandise, imported therein; and the President of the United States is hereby authorized, in the recess of the Senate, to appoint the appraisers for the ports provided for in this section, which appointments shall continue in force until the end of the session of Congress thereafter.

SEC. 17. *And be it further enacted*, That each of the appraisers who may be appointed under the sixteenth section of this act, for the ports of New Orleans, Savannah, Charleston, Baltimore, Philadelphia, and Boston, shall each receive as a compensation for his services fifteen hundred dollars per annum; and the appraisers for the port of New York shall each receive two thousand dollars per annum; and the merchants who may be appointed to act as appraisers under this act shall receive for their services, while actually employed on that duty, each, a compensation of five dollars per diem; and whenever the appraisers appointed under the sixteenth section of this act attend in any district other than that in which they reside, for the purpose of appraising any goods, wares, or merchandise, they shall respectively receive at the rate of five dollars for every twenty-five miles in going to or returning from such district, in addition to the salary or pay provided for in this section.

SEC. 18. *And be it further enacted*, That, in all cases where the owner, consignee, importer, or agent, shall be dissatisfied with the appraisement of any goods, wares, or merchandise, made by the appraisers appointed under the sixteenth section of this act, it shall be lawful for him to employ, at his own expense, two respectable resident merchants, who, after being duly qualified, according to the sixteenth section of this act, shall, together with the two appraisers appointed on the part of the United States, under this act, examine and inspect the goods, wares, or merchandise, in question; and, after such examination and inspection, they shall report the value thereof, if they agree therein, and, if not, the circumstances of their disagreement, to the collector; and in case such owner, consignee, importer, or agent, shall be dissatisfied with such report and second appraisement,

it shall be lawful for him to refer the case to the Secretary of the Treasury, who shall be, and is hereby, authorized and empowered to decide thereon, or to require further testimony in the case, in such manner as he may deem proper, and to order the said goods, wares, or merchandise, to be entered accordingly.

SEC. 19. *And be it further enacted*, That any merchant, who shall be chosen by the collector, or by the party in interest, to make any appraisement required under this or any other act respecting imports and tonnage, and who shall, after due notice of such choice has been given to him in writing, decline or neglect to assist at such appraisement, shall be subject to a penalty not exceeding fifty dollars, and to the costs of prosecution therefor.

SEC. 20. *And be it further enacted*, That one half of the excess of duty accruing in consequence of the fifty per cent. added to the value of any goods, wares, or merchandise, under the thirteenth section of this act, shall be divided among the custom-house officers of the port in which such goods, wares, or merchandise, may be, in the manner prescribed by the act, entitled "An act to regulate the [collection of] duties on imports and tonnage," passed on the second day of March, seventeen hundred and ninety-nine: *Provided*, That in no case shall the appraisers of goods, wares, or merchandise, be entitled to or receive any part of the said duty.

SEC. 21. *And be it further enacted*, That, before any goods, wares, or merchandise, which may be taken from any wreck, shall be admitted to an entry, the same shall be appraised, in the manner prescribed in the sixteenth section of this act; and the same proceedings shall be ordered and executed in all cases where a reduction of duties shall be claimed on account of damage which any goods, wares or merchandise, shall have sustained in the course of the voyage; and in all cases where the owner, importer, consignee, or agent, shall be dissatisfied with such appraisement, he shall be entitled to the privileges provided in the eighteenth section of this act.

SEC. 22. *And be it further enacted*, That, for every verification and certificate, made under this act, before a consul or commercial agent of the United States, such consul or commercial agent shall be entitled to demand and receive, from the person making the same, a fee of two dollars: *Provided*, Each shipper shall have the right to include all articles shipped by him in the same invoice.

SEC. 23. *And be it further enacted*, That, when any goods, wares, or merchandise, shall be admitted to an entry upon invoice, the collector of the port in which the same are entered shall certify the same under his official seal; and no other evidence of the value of such goods, wares, or merchandise, shall be admitted on the part of the owner or owners thereof, in any court of the United States, except in corroboration of such entry.

SEC. 24. *And be it further enacted*, That any person or persons, who shall counterfeit any certifi-

cate or attestation made in pursuance of this act, or use such certificate or attestation, knowing the same to be counterfeit, shall, upon conviction thereof before any court of the United States having cognizance of the same, be adjudged guilty of felony, and be fined in a sum not exceeding ten thousand dollars, and imprisoned for a term not exceeding three years.

SEC. 25. *And be it further enacted*, That any bond to the United States, entered into for the payment of duties by a merchant belonging to a firm, in the name of such firm, shall equally bind the partner or partners in trade, of the person or persons by whom such bond shall have been executed; but no clerk or hired person, in the constant employment of another, shall become principal or surety to any bond to which his employer is a party.

SEC. 26. *And be it further enacted*, That no bond for duties on goods, wares, or merchandise, imported into the United States, shall be accepted by any collector of the revenue, unless the principal be a resident of the United States, and the surety or sureties citizens thereof.

SEC. 27. *And be it further enacted*, That, in every case where the owner, importer, consignee, or agent, of any goods, wares, or merchandise, imported as aforesaid, and the duty upon which shall amount to fifty dollars, or upwards, may, at the time of entry, desire to pay the duties thereon in cash, the collector of the port where the said goods, wares, or merchandise, may be entered, shall be, and is hereby, authorized and directed to receive the same, and to allow a discount on the amount of the duties, at the rate of four per centum per annum, for the legal term of credit which would have been allowed by law on such duties.

SEC. 28. *And be it further enacted*, That all goods, wares, or merchandise, imported into the United States, the duties on which shall have been paid, or secured to be paid, may be transported coastwise, from the district into which they were imported to two other districts, and exported from either of them with the benefit of drawback: *Provided*, That all regulations and formalities now in force relating to the transportation of goods, wares, and merchandise, coastwise, from the district into which they were imported to another district for benefit of drawback, and such other regulations as are prescribed under and by virtue of this act, for the further transportation of such goods, wares, or merchandise, to other districts, shall be complied with: *And provided, also*, That all the regulations and formalities now in force, respecting the exportation of goods, wares, and merchandise, for the benefit of drawback, shall be complied with, so far as may be consistent with other provisions of this act; and the Secretary of the Treasury shall be, and he is hereby, authorized to prescribe the form of the certificate to be used, and of the oaths to be taken, on the transportation of such goods, wares, or merchandise, from the second district, into which they may be so brought, to the third district.

SEC. 29. *And be it further enacted*, That all goods, wares, or merchandise, subject to ad valorem duty,

and intended for exportation, with benefit of drawback, which shall be transported from one district to another, shall be accompanied by a copy from the invoice, of the cost thereof, certified by the collector of the district from which they may have been last re-shipped, which certified copy shall be produced to the collector of the district from which such goods, wares, or merchandise, are intended to be exported; and such goods, wares, or merchandise, as well as all such goods, wares, or merchandise, subject to ad valorem duty, as shall be exported from the district into which they may have been originally imported, shall be inspected by the appraisers at the time of exportation, in the manner provided by this act, on the importation of such goods, wares, or merchandise; and if the same are found not to correspond with the original invoice, the said goods, wares, or merchandise, shall be subjected to forfeiture, according to the provisions of the eighty-fourth section of an act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second of March, one thousand seven hundred and ninety-nine.

SEC. 30. *And be it further enacted*, That in all cases of entry of goods, wares, or merchandise, for the benefit of drawback, the time of twenty days shall be allowed, from the date of the clearance of the ship or vessel, in which the same shall have been laden, for taking the oaths, completing the entry, and giving the exportation bonds for the same: *Provided*, That the exporter shall have, in every other particular, complied with the regulations and formalities heretofore, and by this act, established for entries of exportation of goods, wares, or merchandise, for the benefit of drawback.

SEC. 31. *And be it further enacted*, That in all cases where goods, wares, or merchandise, entitled to debenture, shall be reshipped for transportation coastwise, before the necessary certificates are issued by the collector of the port where imported, the same shall be allowed to be entered for debenture, at the district to which they shall be so transported, without forfeiting the benefit of drawback: *Provided*, That the person or persons, so entering said goods, wares, or merchandise, shall produce, from the collector of the port from whence the same shall have been last shipped, a certificate that the coastwise certificates were not issued at the time of the sailing of the vessel on board which the said goods, wares, or merchandise, shall have been so shipped, and shall deliver the coastwise certificates required in such cases, to the collector of the port where the same shall have been so entered, within two months from the date of entry, and before the said goods, wares, or merchandise, shall be entered for exportation.

SEC. 32. *And be it further enacted*, That in all cases where the owner, importer, consignee, or agent, of any goods, wares, or merchandise, entitled to debenture, may wish to transfer the same into packages other than those in which the said goods, wares, or merchandise, were originally imported, the collector of the port where the same may be, shall permit the said transfer to be made, if necessary, for the safety or preservation thereof:

Public Acts of Congress.

Provided, That due notice of the same, in writing, setting forth sufficient cause for the said transfer, be given to the said collector, who shall appoint an inspector of the revenue, to ascertain if the said allegation be true, and, if found correct, to superintend said transfer, and to cause the marks and numbers upon the original packages to be inscribed upon the packages into which the said goods, wares, or merchandise, shall be transferred.

Sec. 33. *And be it further enacted*, That it shall not be necessary to insert the numbers upon packages, in any entry of goods, wares, or merchandise, subject to specific duty on importation or exportation, or to insert any such numbers in any coastwise or other certificate: *But, it is expressly provided*, That in all cases where a separate certificate may be required for each package, the numbers shall be inserted therein.

Sec. 34. *And be it further enacted*, That, in all cases where, under existing laws, spirituous liquors, entitled to debenture, shall have been shipped coastwise for the purpose of being laden immediately on board some vessel in another district, for exportation, the same may be so laden on board of such vessel, without having been first deposited in the public warehouse: *Provided*, That all other regulations required by law shall have been complied with, and that such transportation of said spirituous liquors, from the one vessel to the other, be made by the collector's order, and under the superintendence of an inspector of the revenue, and that a careful examination be made by him of the identity of the same, and of the quantity, quality, and packages thereof.

Sec. 35. *And be it further enacted*, That all penalties and forfeitures, incurred by force of this act, shall be sued for, recovered, distributed, and accounted for, in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed on the second day of March, one thousand seven hundred and ninety-nine, and may be mitigated or remitted in the manner prescribed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties, and disabilities, accruing in certain cases therein mentioned," passed on the third day of March, one thousand seven hundred and ninety-seven.

Sec. 36. *And be it further enacted*, That all fines, penalties, and forfeitures, incurred in virtue of the act, entitled "An act supplementary to an act, entitled 'An act to regulate the collection of duties on imports and tonnage,' passed the twentieth April, one thousand eight hundred and eighteen," may be sued for, prosecuted, and recovered, in the same manner as if the said act did not expire on the third day of March next.

Sec. 37. *And be it further enacted*, That when goods, wares, or merchandise, imported, and subject to duty as aforesaid, shall be reshipped, and transported coastwise, from one district to another, in the packages in which the same were imported, an invoice, or a copy of such invoice, or an extract therefrom, including all the articles, with the charges thereon, which are reshipped and transported coastwise as aforesaid, verified by the addi-

tional oath required by the fourth section of this act, and certified under the official seal of the collector, with whom the entry, on the importation of such goods, wares, and merchandise, was made, shall be produced at the port to which the same shall be transported; and the same inspection of such goods, wares, or merchandise, shall be made as if they had been brought direct from a foreign port or place: *Provided*, That no appraisement of the said goods, wares, or merchandise, shall be made at the said port so as to change the amount of duties which may have been charged thereon, at the port of their original importation, if the same should have been there entered according to the provisions of this act; except when transported from a port where there are no appraisers appointed by the Government; and if the invoice, verified as aforesaid, shall not be so produced, such goods, wares, or merchandise, shall be deposited, and remain in the public warehouse, at the expense and risk of the owner thereof, until the invoice, verified and certified in the manner above required, shall be produced; and goods, wares, or merchandise, imported, and subject to duty as aforesaid, may be transported, coastwise, to one or more districts within the United States.

Approved, March 1, 1823.

An Act to regulate the commercial intercourse between the United States and certain British colonial ports.

Be it enacted, &c., That, from and after the third day of March next, the first, second, and third sections of the "Act concerning navigation," approved on the eighteenth of April, one thousand eight hundred and eighteen, and the "Act supplementary to an act concerning navigation," approved on the fifteenth of May, one thousand eight hundred and twenty, shall be, and the same are hereby, suspended, for and during the continuance of this act, so far as any of the restrictions or prohibitions therein contained, limit or interdict the intercourse of navigation or commerce between the ports of the United States and the British colonial ports hereinafter mentioned, viz:

Kingston, in Jamaica.
Savannah Le Mar, in Jamaica.
Montego Bay, in Jamaica.
Santa Lucia, in Jamaica.
Antonio, in Jamaica.
Saint Ann, in Jamaica.
Falmouth, in Jamaica.
Maria, in Jamaica.
Morant Bay and Annotto Bay, in Jamaica.
Saint George, in Grenada.
Roseau, in Dominica.
Saint John's, in Antigua.
San Josef, in Trinidad.
Scarborough, in Tobago.
Road Harbor, in Tortola.
Nassau, in New Providence.
Pittstown, in Crooked Island.
Kingston, in Saint Vincent.
Port Saint George and Port Hamilton in Bermuda.

Public Acts of Congress.

Any port where there is a custom-house, in Bahamas.

Bridgetown, in Barbadoes.

Saint John's and Saint Andrew's, in New Brunswick.

Halifax, in Nova Scotia.

Quebec, in Canada.

Saint John's, in Newfoundland.

Georgetown, in Demarara.

New Amsterdam, in Berbice.

Castries, in Saint Lucia.

Basseterre, in Saint Kitts.

Charlestown, in Nevis.

Plymouth, in Montserrat.

SEC. 2. *And be it further enacted*, That, from and after the said third day of March next, the ports of the United States shall be open to any British vessel coming directly from any of the British colonial ports above enumerated; and it shall be lawful to import in the said vessels, being navigated by a master and three-fourths, at least, of the mariners, British subjects, any articles of the growth, produce, or manufacture, of any of the said British colonies, the importation of the like articles to which, from elsewhere, is not, or shall not be, prohibited by law, and which may be exported from any of the said enumerated British ports to the United States, on equal terms, in vessels belonging to the said States.

SEC. 3. *And be it further enacted*, That on proof being given to the President of the United States, satisfactory to him, that, upon the vessels of the United States admitted into the above enumerated British colonial ports, and upon any goods, wares, and merchandise, imported therein, in the said vessels, no other or higher duties of tonnage or impost, and no other charges of any kind, are levied or exacted than upon British vessels, or upon the like goods, wares, and merchandise, imported into the said colonial ports from elsewhere, it shall and may be lawful for the President of the United States to issue his proclamation, declaring that no other or higher duty of impost or tonnage, and no other or higher duty or charge of any kind, upon any goods, wares, or merchandise, imported from the above enumerated British colonial ports, in British vessels, shall be levied or exacted in any of the ports of the United States, (excepting the ports, in the Territory of Florida,) than upon the vessels of the United States, and upon the like goods, wares, or merchandise, imported into the ports of the United States in the same: *Provided always*, That until such proof shall be given, British vessels coming from the said British colonial ports, and the goods, wares, and merchandise, imported in the same into the United States, shall continue to pay the foreign tonnage duty, and the additional duties upon goods, wares, and merchandise, imported in foreign vessels, prescribed by the "Act to regulate the duties on imports and tonnage," approved the twenty-seventh of April, one thousand eight hundred and sixteen.

SEC. 4. *And be it further enacted*, That no articles whatsoever, specie and bullion excepted, other than articles of the growth, produce, or

manufacture, of the British colonies to which the said enumerated ports belong, shall be imported into the United States, in British vessels, coming from any of the said enumerated ports; and that no articles whatsoever, being of the growth, produce, or manufacture, of the British colonies, to which the said enumerated ports belong, shall be imported into the United States, in any British vessel, other than a vessel coming directly from one of the said enumerated ports, on pain of forfeiting all such articles, together with the ship or vessel in which the same shall have been imported, and her guns, tackle, apparel, and furniture.

SEC. 5. *And be it further enacted*, That it shall be lawful to export from the United States, directly to any of the above enumerated British colonial ports, in any vessel of the United States, or in any British vessel, navigated as by the second section of this act is prescribed, and having come directly from any of the above enumerated British colonial ports, any article of the growth, produce, or manufacture, of the United States, or any other article legally imported therein, the exportation of which, elsewhere, shall not be prohibited by law: *Provided*, That when exported in any such British vessel, before the shipment of any such articles, security, by bond, shall be given to the United States, in a penalty equal to half the value of the said articles; such bond to be taken of the owner, consignee, or agent, by the collector of the port at which the said British vessel shall have entered, for the due landing of the said articles, at the port or ports, being of the British colonial ports herein above enumerated, for which the said vessel shall clear out, and for producing a certificate thereof, within twelve months from the date of said bond, under the hand and seal of the consul, or commercial agent of the United States, resident at the port where the said articles shall have been landed; or if there shall be no consul or commercial agent of the United States residing there, such certificate to be under the hand and seal of the chief officer of the customs at such port, or under the hand and seal of two known and reputable merchants residing at such port; but such bond may be discharged, by proof, on oath, by credible persons, that the said articles were taken by enemies, or perished in the seas. And it shall not be lawful to export, from the United States, any article whatsoever, to any of the above enumerated British colonial ports, in any British vessel, other than such as shall have come directly from one of the said ports to the United States; nor shall it be lawful to export from the United States any article whatsoever, in any British vessel, having come from any of the said enumerated ports, to any other port or place, whatsoever, than directly to one of the said ports. And in case any such articles shall be shipped or waterborne, for the purpose of being exported contrary to this act, the same shall be forfeited, and shall and may be seized and prosecuted, in like manner as for any other violation of the revenue laws of the United States.

SEC. 6. *And be it further enacted*, That this act, unless repealed, altered, or amended, by Con-

gress, shall be and continue in force so long as the above enumerated British colonial ports shall be open to the admission of vessels of the United States, conformably to the provisions of the British act of Parliament of the 24th of June last, being the forty-fourth chapter of the acts of the third year of George the Fourth. But if at any time the trade and intercourse between the United States and all or any of the above enumerated British colonial ports, authorized by the said act of Parliament, should be prohibited by a British order in council, or by act of Parliament, then, from the day of the date of such order in council, or act of Parliament, or from the time that the same shall commence to be in force, proclamation to that effect having been made by the President of the United States, each and every provision of this act, so far as the same shall apply to the intercourse between the United States and the above enumerated British colonial ports, in British vessels, shall cease to operate in their favor; and each and every provision of the "Act concerning navigation," approved on the eighteenth of April, one thousand eight hundred and eighteen; and of the act supplementary thereto, approved on the fifteenth of May, one thousand eight hundred and twenty, shall revive and be in full force.

SEC. 7. *And be it further enacted*, That if any British colonial port in the American hemisphere, other than those herein above enumerated, should, by virtue of a British order in council, be opened to vessels of the United States, conformably to the provisions of the said act of Parliament of the twenty-fourth of June last, each and every provision of this act shall extend to the same, from the time when it shall be so opened to the vessels of the United States.

SEC. 8. *And be it further enacted*, That the form of the bond aforesaid shall be prescribed by the Secretary of the Treasury; and all penalties and forfeitures, incurred under this act, shall be sued for, recovered, distributed, and accounted for, and the same may be mitigated or remitted, in the manner, and according to the provisions, of the revenue laws of the United States.

Approved, March 1, 1823.

An Act to alter the time of holding the district court of the United States for the district of Kentucky.

Be it enacted, &c., That, from and after the next term of the district court of the United States for the district of Kentucky, the said court shall hold its terms on the second Monday in April and October in each year.

Approved, March 1, 1823.

An Act to extend the jurisdiction of Justices of the Peace, in the recovery of debts, in the District of Columbia.

Be it enacted, &c., That, from and after the first day of June next, in all cases where the real debt and damages do not exceed the sum of fifty dollars, exclusive of costs, it shall and may be lawful for any one Justice of the Peace, of each respect-

ive county within the District of Columbia, wherein the debtor doth reside, to try, hear, and determine, the matter in controversy, between the creditor and debtor, their executors and administrators, and upon full hearing of the allegations and evidences, of both parties, to give judgment, according to the laws existing in the said District of Columbia, and the equity and right of the matter, in the same manner, and under the same rules and regulations, to all intents and purposes, as such Justices of the Peace are now authorized and empowered to do when the debt and damages do not exceed the sum of twenty dollars, exclusive of costs: *Provided, nevertheless*, That all Justices of the Peace, of the said county, shall be compelled, upon entering judgments upon cases within their jurisdiction, to enter the same in such manner as shall carry an interest thereon, from the date thereof, until the same shall be paid, or satisfied: *And provided, further*, That no female, in any case whatever, and no male above the age of seventy years, shall be liable to be arrested or imprisoned for any debt authorized to be sued for and recovered by this act.

SEC. 2. *And be it further enacted*, That, in all cases where judgments shall be rendered by a Justice of the Peace, it shall be lawful for the defendant to supersede the said judgment, at any time within sixty days from the rendition of the same, which supersedeas shall stay execution for six months thereafter, and shall be taken by the Justice who rendered the judgment, and no other: *Provided*, Such Justice is living in the county in which said judgment was rendered, and acting in his judicial capacity; but if such Justice shall not be so acting, then, and in that case, before any other Justice of the Peace for the aforesaid county, who may be legally acting in that capacity.

SEC. 3. *And be it further enacted*, That the Justices of the Peace within the District of Columbia be, and they are hereby directed, and it is hereby made their duty, to keep a docket, and therein to record, and make regular entries of their proceedings, in all cases in which they shall act in virtue of their office, and they are hereby directed to furnish the plaintiffs and defendants, respectively, with a copy of any judgment by them rendered, when required, on which copy, any other Justice of the Peace of the county is hereby authorized to issue execution or fieri facias, in the same manner as executions are now issued by the Clerk of the Circuit Court of the District of Columbia, which shall be returned within twenty days after being issued, to the Justice who gave the judgment; and no judgment rendered before a Justice shall have the effect to create any lien upon real estate.

SEC. 4. *And be it further enacted*, That, if any Justice of the Peace shall omit to keep a docket, as aforesaid, or be guilty of any other negligence or omission, by which the plaintiff (having obtained a judgment before such Justice,) shall lose his or her debt, that then, and in that case, the said Justice shall pay and satisfy to the said plaintiff the debt, interest, and costs, lost as aforesaid, to be recovered by plaintiff, before any other Justice of the Peace, who shall, on proof of the fact, render judg-